

"In the latter days, the sun shall rise from the west". Holy Prophet Muhammad (Peace and blessings of Allah be on him)

Sha-ri-ah II. *tr.* **leg-is-la-tion** *legis latio(n)- latio(n), < l*



SHARI'AH

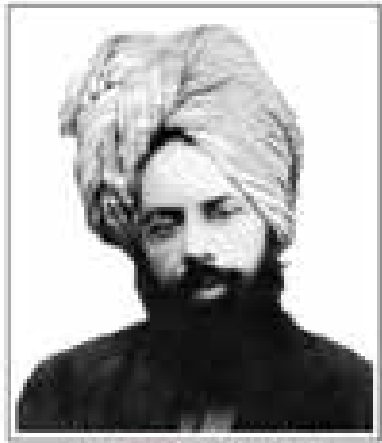
What is Shari'ah
(Definition, sources, scope and
limits of Islamic Divine Law)

Does Shari'ah allow Freedom of Speech?

Misuse of Shari'ah in
some Muslim countries.

Shari'ah and Constitution

The Ahmadiyya Muslim Community



Mirza Ghulam Ahmad (1888-1908)



AHMADIYYA
MUSLIM COMMUNITY

United States of America

The Ahmadiyya Muslim Community is a religious organization, international in its scope, with branches in 195 countries in Africa, North America, South America, Asia, Australasia, and Europe. The Ahmadiyya Muslim Community was established in 1889 by Hadrat Mirza Ghulam Ahmad(as) (1835-1908) in Qadian, a small and remote village in the Punjabi province of India. He claimed to be the expected reformer of the latter days, the Awaited One of the world community of religions (The Mahdi and Messiah).

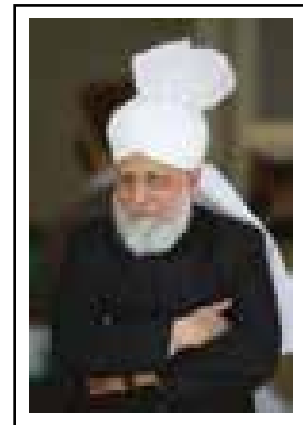
The Movement he started is an embodiment of the benevolent message of Islam – peace, universal brotherhood, and submission to the Will of God – in its pristine purity.

Hadrat Ahmad(as) proclaimed Islam as the religion of man: "The religion of the people of the right path" (98:6). The Ahmadiyya Muslim Community was created under divine guidance with the objective to rejuvenate Islamic moral and spiritual values. It encourages interfaith dialogue, diligently defends Islam and tries to correct misunderstandings about Islam in the West. It advocates peace, tolerance, love and understanding among followers of different faiths. It firmly believes in and acts upon the Qur'anic teaching:

"There is no compulsion in religion" (2:257).

It strongly rejects violence and terrorism in any form and for any reason. After the passing of its founder, the Ahmadiyya Muslim Community has been headed by his elected successors. The present Head of the Community, Hadrat Mirza Masroor Ahmad, was elected in 2003. His official title is Khalifat-ul-Masih V or Fifth Successor of the Promised Messiah.

www.alislam.org



Hadrat Mirza Masroor Ahmad,
Khalifat-ul-Masih V

The Muslim Sunrise

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Muslims follow the name of God's prophets with the prayer *alaehis salaam* or 'may peace be upon him,' and for the Holy Prophet Muhammad, *sallallahu alaehi wasallam* or 'may peace and blessings of God be upon him.' Companions of prophets and righteous personalities who have passed away are saluted by *radhi-Allahu anhu/a* or 'may Allah be pleased with him/her.' While such salutations sometimes are not set out in the text for readability, we encourage readers to offer these prayers as if set out in full.

Dr. Mufti Muhammad Sadiq (1872-1957) was the first Ahmadiyya Muslim missionary to arrive in America. In 1921, he founded the Muslim Sunrise, which stands today as the longest running Muslim publication in America. The magazine seeks to open discussions on Islam and topics relating to religion in general. It highlights the role of Islam in an ever changing global society. It provides a platform for public opinion on contemporary issues and presenting their solutions from an Islamic perspective.



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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ


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FROM THE HOLY QUR'AN

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
فَيُتْلَوْنَ مَا قُتِبَتْ لَهُ مِنْهُ آيَاتُ الْفَتْحَةِ
وَآيَاتُ تَأْوِيلِهِمْ وَمَا يَعْلَمُ تَأْوِيلَهُ إِلَّا اللَّهُ
وَالرَّاسِخُونَ فِي الْعِلْمِ يَقُولُونَ هِيَ
أَمْثَلُ كُلِّ مِّنْ عِلْدَرِينَا وَمَا يَذْكُرُونَ إِلَّا
أَوَّلَ الْأَلْبَابِ

(Aal-e-`Imran verse 8)



He it is Who has sent down to thee the Book; in it there are verses that are decisive in meaning — they are the basis of the Book — and there are others that are susceptible of different interpretations. But those in whose hearts is perversity pursue such thereof as are susceptible of different interpretations, seeking discord and seeking wrong interpretation of it. And none knows its right interpretation except Allah and those who are firmly grounded in knowledge; they say, 'We believe in it; the whole is from our Lord.' — And none heed except those gifted with understanding. — (3:8)

IN THE WORDS OF THE PROMISED MESSIAH^(as)

(Kitab-ul-Bariyyah, Ruhani Khaza'in, Vol 13, pp 87-88)

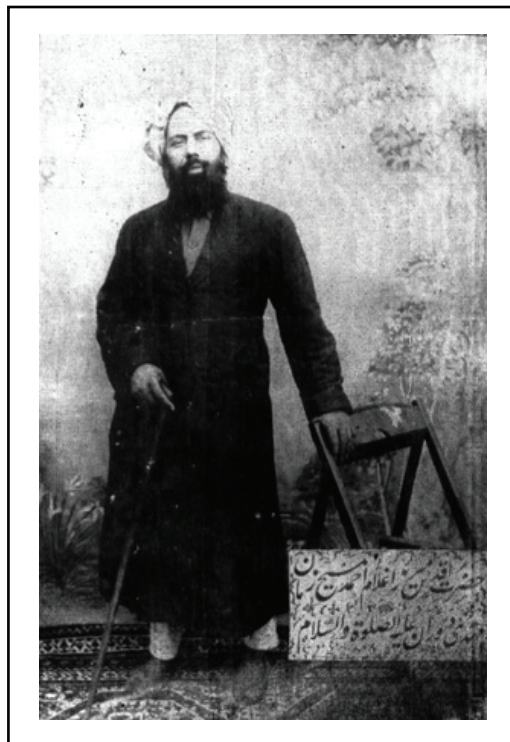
We had raised an objection to the current Gospels that the Gospels do not provide for the development of all man's faculties and that even the portion of them relating to moral qualities are taken from the Torah. This caused great humiliation to the Christian priests. To this some Christians replied that:

"Divine Books are concerned only with morals and that the punishment of offences is not appropriate for a Book of God, in as much as offences should be punished according to changing circumstances which are unlimited and it is not proper that there should be a fixed law laying down penalties. Every penalty should be such as is in accord with the times and is helpful for the warning and restraint of offenders. Fixed penalties are not beneficial for the reform of people. In the same way, civil, criminal and revenue laws should not be fixed and rigid, as they would create difficulties under changing circumstances. For instance, they might adversely affect commercial conditions which have become current and cannot be avoided, or a penal law might not be helpful where offenders have become accustomed to one kind of punishment, or may not be amenable to it."

I would say that this type of thinking proceeds from people who have not studied the Holy Qur'an with care. The directions contained in the Holy Qur'an with regard to civil, criminal and revenue matters are of two types. One, which lays down the details of punishment or of procedure, and the other which only prescribes the principle and does not lay down any specific direction. The purpose of the latter is to provide guidance for the meeting of the new circumstances. For instance, at one place the Holy Qur'an lays down the rule of a tooth for a tooth and an eye for an eye. This is a detail. In another place, the principle is set forth:

"The penalty for an offense is chastisement in proportion thereto." (Al-Shura, 42:41)

On reflection we find that this is laid down for the widening of the law in cases where the specific law cannot be carried into effect. For instance, if a person who has lost his own teeth breaks the tooth of another, he ceases to be amenable to the rule of a tooth for a tooth, for he has no teeth himself. In the same way, if a blind person should destroy the eye of another person, he cannot be deprived of his own eye, for he has none. The Holy Qur'an lays down general principles to meet such cases and by doing so encourages everyone to deduce rules suitable to every case. It is a pity that the Torah does not follow this method and the Gospel is wholly deprived of this teaching. It only lays down a few moral exhortations, but they are not part of any code or system of law. The statement of the Christians that the Gospel has left legal matters to the intelligence of people is not a matter of pride, but one of remorse and shame, for whatever is not laid down as universal law and is not spelled out in terms of any regulatory principles, is liable to be misused and become an evil, however good its purpose might be.



EDITORIAL

WINTER 2013

The word "Sharia" has recently made its way into Webster's dictionary. The dictionary entry reads as follows:

sha-ria noun, often capitalized **shar'ia**: the religious laws based on the Koran that Muslims follow.

It also describes the first use of this word in 1855. Although that may be true in the West, this word has been used for centuries in other parts of the world. As terms implemented by Western orientalists have evolved to better reflect their original languages (e.g., Koran to Qur'an, Peking to Beijing, Moslem to Muslim, etc.), we have transliterated the Arabic term as shari'ah to more closely conform to its original form in Arabic.

In Eastern literature the word shari'ah is not exclusively used for the religious laws of Muslims. The laws of Moses (as) are referred in every day discussions as the shari'ah of Moses (as). Different faiths have their own religious laws and regulations for their conduct and each one is referred to as their shari'ah.

The word shari'ah has a different connotation in the West since the pundits and Islamic experts have started to use the term to explain the behavior of Middle Eastern terrorists. That is the reason why Webster's has exclusively defined it in reference to Muslim religious laws.

The Old Testament has Ten Commandments as well as many other regulations and laws about dealing with enemies, social conduct and treatment of women and slaves. It is the shari'ah of Moses (as) and Jews abide by it. In the same way, Islam has regulations and laws which are described in the Holy Qur'an and they are referred to as the Islamic Shari'ah. Shari'ah simply refers to religious laws and can be associated with any religion. Generally, any religion that has a revealed book has its own shari'ah.

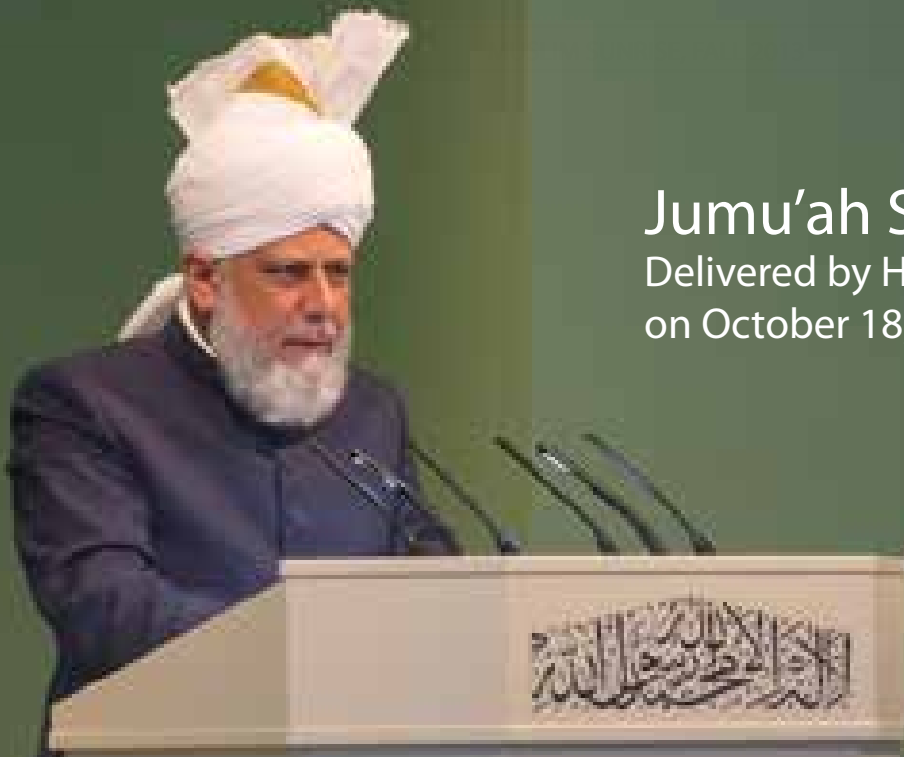
The Western media has been targeting Islamic Shari'ah and criticizing many portions of it, especially the portions dealing with women and enemy combatants.

It would be appropriate if the criticism of Islamic Shari'ah was done in comparison with the shari'ah of other religions. Should any religious law in Islam be considered inappropriate in anyone's opinion, they are welcome to offer a better replacement from their own shari'ah. If a Jew or a Christian is having this discussion, s/he should propose how we should adopt the shari'ah described in the Bible and provide the comparison. If the Holy Qur'an describes, for example, the rules about treatment of women, what does the Bible's shari'ah offer? Hindus can offer explanations from their shari'ah as documented in the Vedas. The only other option is that the person criticizing should introduce a new shari'ah of his or her own, and present it as such.

The fact is that in every area of religious laws, Islamic Shari'ah presents a more practical, logical, and natural option than we find in any other shari'ah of any other religion. This is our challenge and we are ready to discuss and debate it. Criticizing another's Faith without offering a better alternative from one's own is merely a superficial attempt at arousing animosity. Over time this folly is exposed for the ignorance it is.

We have presented many different views on the shari'ah of Islam as well as the shari'ah of other religions. Hopefully, it will give insight to the readers and a better debate will take place when dealing with the Shari'ah.





Jumu'ah Sermon Synopsis

Delivered by Hadrat Mirza Masroor Ahmad
on October 18, 2013

'And say to My servants that they should speak that which is best. Surely, Satan stirs up discord among them. Surely, Satan is an open enemy to man.' (17:54)

In this verse, first and foremost, God's message to people is to say what is best, and the best speech is that which pleases God. This is why the term 'My servants' has been used here signifying that those who are God's servants or seek to be God's servants do not have any wish/preference of their own because they prefer and wish for what pleases God. This has been further elaborated in Surah Al Baqarah: 'And when My servants ask thee about Me, say: 'I am near. I answer the prayer of the supplicant when he prays to Me. So they should hearken to Me and believe in Me, that they may follow the right way.' (2:187)

The Promised Messiah (on whom be peace) has explained the word Ebaadi (My servants) as: 'Those people who believe in Allah the Exalted and the Holy Prophet (peace and blessings of Allah be on him).' These are the people who are Ebaadi and are thus close to God and those who do not believe are distant from God. God states that in order to become His true servant His commandment should be obeyed. This would bring good and prayers would be accepted. When God states that His servants should say what pleases God, it definitely demands enhancement of faith and requires one to bring one's word and deed in congruity. One cannot practice contrary to what God commands but advise others to follow God and His Messenger. God has called discrepancy in word and deed a sin and states: 'O ye who believe! why do you say what you do not do? Most hateful it is in the sight of Allah that you say what you do not do.' (61: 3 – 4) Therefore discrepancy in word and deed is greatly disliked by God, in fact it is a sin. Claim to have faith and duplicity cannot go together.

The Promised Messiah (on whom be peace) said: 'Pay heed to what I say and remember it well that if the word of a person is not sincere and has no feasibility, it will not be effective.'

An ehsan (good) word is that which is ehsan as defined by God; something that spreads goodness and forbids evil. Individuals cannot define themselves as believers merely based on the fact that there is no discrepancy between their word and deed. For example, the practice of a person who consumes alcohol cannot be emulated simply based on the fact that his words and deeds are consistent. In this society much indecency goes on in the name of freedom and is openly publicized on TV and the internet. Revealing clothes are exhibited in the name of fashion shows. Although there is consistency in word and deed in these instances but the practices are abominable in the sight of God. Some people and youngsters are influenced and say that so and so is straightforward with no duplicity. It should be remembered that absence of duplicity [in this instance] is not a virtue; rather it is promotion of indecency and distance from God. Men and women should avoid such environments and should pray for: 'Guide us in the right path.' (1:6) and should pray for remoteness from Satan and should seek what God has commanded. Search for those ehsan things through which God teaches ways of His nearness. God's commandments should be sought so that the reality of what is ehsan and what is not ehsan is understood and one is included among those whom God has called, 'My servants' and has given the glad-tiding of acceptance.

A great responsibility lies on Ahmadis in this age for we have accepted the Imam of the age and have pledged that we will make our word and deed consistent and will try and do what is ehsan in the sight of God, we will have consistency in our word and deed and we will refer to the Holy Qur'an for ehsan things as it distinguishes between what is ehsan and what is not and tells us what will gain God's nearness and what will incur His displeasure.

Highlighting some of the matters elucidated the Holy Qur'an, Hadrat Khalifat-ul-Masih said God states to the Muslims in the Qur'an:

'You are the best people raised for the good of mankind; you enjoin what is good and forbid evil and believe in Allah...' (3:111)

God has called His servants or those with the status of Ebaadur Rahman (servants of the Gracious God) as the best of all people because they maintain what is ehsan with consistency in their word and deed according to the commandment of God. They instruct virtues and rather than selfish desires, they teach what has been commanded by God. They are called the best people because they avoid all evil themselves and also advise others to do so in order to avoid God's displeasure. They are also called best people because their faith is strong and they uphold the belief that God watches over everything. They uphold the belief that worldly lords [powerful people] cannot meet our needs, rather the Lord of all the worlds is the One Who listens to prayers. The world should also be told that permanence is in paying heed to and abiding by what God commands.

Giving further details of ehsan things, God states: 'And those who bear not false witness, and when they pass by anything vain, they pass on with dignity;' (25:73)

Here two things have been forbidden; falsehood and vain matters. Bearing false witness is forbidden no matter what the situation. Elsewhere in the Holy Qur'an it is stated that one should give true testimony even if it goes against oneself or one's parents or dear ones. This is the standard set for honesty which will be considered as ehsan and which brings one close to God, which enhances piety and includes one among the true servants of God. God states: 'O ye who believe! fear Allah, and say the right word.' (33:71) That is, say what is unambiguous and straightforward. This is the standard of truthfulness which is ehsan and which is enjoined by God. However, if we reflect we do not see this level of honesty. Selfish desires waylay at every step. How many of us would give testimony against ourselves, our parents and our dear ones? And are free from all sorts of ambiguous speech! Somewhere or the other personal interest or the interest of one's dear ones or one's ego intervenes and one is not prepared to accept one's mistake. To uphold qawl e sadid (the right word) is one of the commandments for ehsan things and God deems it ehsan that honesty is without any ambiguity. If this practice is followed all domestic and societal conflicts would disappear and there would be no need of courts of law and the standard of honesty in the next generation would be excellent.

It is enjoined to promptly leave gatherings where there is no honesty and where crude and vain talk takes place. Sometimes, in family gatherings or our own gatherings unconsciously things are said which are vain and crude, things are said against the Nizam (administrative system). Hadrat Khalifat-ul-Masih said that he has mentioned it many times that things said against the office holders should be reported to him, if [the required] reformation is not taking place on lower level. When these matters are mentioned in gatherings they become vain and idle because mentioning them does not make them better or reform them, on the contrary, in this way conflicts and disputes increase. Then there are wrong kind of films and songs on the internet and TV.

Some Indian film songs depict seeking from gods and goddesses or they are being extolled which negates the power of One Powerful God, or these idols are professed as the source of nearness to God. This is Shirk (associating partners with God). Then foul and immoral things are said on FaceBook, Twitter or chat rooms when conflicts arise. Some young people send the details to Hadrat Khalifat-ul-Masih even if they are also involved. Such language is used that no decent person can listen to it. Girls and boys of very good families are involved in these and expose their vulnerability. It is very important for Ahmadis to avoid these matters. Ahmadis need to seek out what is ehsan and excel in piety.

God has taught many ehsan things. Showing ways of piety is ehsan as is forbidding evil. God states: 'And every one has a goal which dominates him; vie, then, with one another in good works.' (2:149) When effort is made to develop piety, word and deed both will be ehsan. If effort is made to develop piety, most certainly effort will also be made to fend off Satan's attacks. The verse recited at the start of the sermon stated: '...Surely, Satan is an open enemy to man...' The word Satan has many meanings: Satan is who speaks against the commandments of the Gracious God, who instills arrogance, rebellion and brings harm and inclines one to these ways. He burns in the fire of jealousy and creates suspicion in hearts. In short, Satan is against everything that is ehsan and which is commanded by God so that dues of God and dues of mankind are paid. As God states, Satan is an open enemy to man. If people do not become God's servants and do all the ehsan things, they would exit devotion of the Gracious God and fall in Satan's lap. He would instill falsehood, arrogance, rebellion in them and will them incline towards harming others, will create suspicions in hearts and will cause them to burn in fire of jealousy. The Holy Prophet (peace and blessings of Allah be on him) said to recite the last two Surahs of the Qur'an, Surah Al Falq and Saurah Al Nas three times before going to sleep and blow on oneself to avoid satanic thoughts and evil, with the prayer to remain safe from them. Guidance should be sought from God with prayers and His commandments should be looked for and efforts should be made to avoid Satan.

The Promised Messiah (on whom be peace) said: 'Satan is always on the lookout to lead man astray and to corrupt his actions. So much so that he also wishes to lead man astray in virtuous tasks and schemes to instigate some kind of disorder or the other. He also wishes to embroil one who does Imamah in this evil. One should never be unafraid of his attack because his attacks on the wicked and sinners are open, they are indeed fair game for him, but he does not also miss attacking the devout. Some way or the other, he finds the opportunity to attack them. People who are under the grace of Allah the Exalted and are aware of the minute ways of satanic mischief pray to Allah the Exalted to avoid him, however, those who are still inexperienced and weak sometimes get embroiled. There is a sect, who in order to avoid hypocrisy and arrogance, irreproachably hides its virtues and reveals its badness.

They think they can avoid satanic attacks in this manner. However, in my view they are also not right and they too have the other in their hearts. If they did not have the other in their hearts, they would never practice this. Man perfects in knowledge of the Divine and treatment of others when his heart is free from any kind of the other and this is how Prophets of God (peace be on them) are or it is a perfect group from whose hearts existence of the other is completely extinct.'

It should not be inferred from this that only Prophets of God can attain this station. The Promised Messiah (on whom be peace) has himself said that high standards should be attained and one should become a wali (friend of God) rather than be a devotee of a wali. We have been given the blessed model of the Holy Prophet (peace and blessings of Allah be on him) to follow. Full effort is important to avoid satanic attacks and ehsan speech is important in this regard as is keeping God's commandment in view in every matter. God has also taught us the ways to say the last two Surahs as a means to avoid satanic attacks. It is stated in the Holy Qur'an: 'And if an evil suggestion from Satan incite thee, then seek refuge in Allah...' (7:201) We should say the prayer, 'I seek refuge with Allah against Satan the accursed'; we should say the prayer, 'La Hawla wala quwwata illabilla' (There is no power to avoid sin or do good except through Allah). God gives us hope that if prayer is made with sincerity of intent, God certainly listens. Hadrat Khalifat-ul-Masih said he wanted to make it clear here that the fire of jealousy of Satan is very dangerous, He himself burned in it and was expelled for rejecting to obey Adam and then pledged to burn mankind in this fire. It is the fire of jealousy that creates restlessness in society. Every Ahmadi greatly needs to avoid this and in this regard should implore God most passionately.

Satanic attacks are of two kinds; one is designed to break ties with God and the other to break ties of man with man. On the contrary ehsan speech leads one to love God and also leads one to love mankind for the sake of God. Our motto 'Love for all, hatred for none' which impresses outsiders and they always mention in when attending our events, will be of no use if there is no mutual accord among us. God commands Muslims to be '...tender among themselves...' (48:30). Hadrat Khalifat-ul-Masih said he has repeatedly mentioned that this is the sign of a true believer. No matter how much we excel in making speeches about this motto of ours and profess that unity of our Community is exemplary, its real effect will be felt when we are kind to each other in families and in the general Jama'at environment. God states: '...overlook and forgive and pardon...' (64:15).

In short there are numerous commandments of God which take us closer to Him but we face Satan at every step in the world. He creates inconsistency between word and deed and takes us away from God's commandments. It should be remembered that Satan is going to carry on doing his work. He had asked for respite at the birth of Adam (on whom be peace) to incite mankind. He had said that there will be fewer servants of the Gracious God and more satanic people. These days, as cited earlier, many things lead to displeasure of God.

Correct use of these things is not bad, but their incorrect use is a means to spread foulness and sin. However, the same thing can also be a means of piety. Television can be a source of spreading piety as well as indecency. In the current times Ahmadiyya Jama'at is making the best use of television. Hadrat Khalifat-ul-Masih said he had drawn attention to watch MTA during [Austrian] Jalsa. People are now expressing regret to him for not watching MTA before and say that even viewing it for just a week to ten days has improved their knowledge. Huzoor said he wished to once again remind in this regard that great attention should be paid in families to utilize this source that God has given us to enhance knowledge and spirituality and to associate with MTA. There are Live programs other than Friday sermons which enhance religious knowledge and spirituality. The Jama'at spends hundreds of thousands of dollars every year on this facility. If one does not avail of it, it is their personal loss. Outsiders are availing of MTA and are realizing the truthfulness of Islam and are gaining its correct insight. Ahmadi in Australia and the rest of the world should derive full benefit of MTA. One of its blessings is that it is a great means to connect the Jama'at to the blessings of Khilafat.

God granted man wisdom and man used his wisdom to facilitate means of conveniences for himself. God states: 'Verily, We have made all that is on the earth as an ornament for it, that We may try them as to which of them is best in conduct.' (18:8) Significance of everything is explained and it is made clear that this significance is only of real use if its use is ehsan and in accordance with pleasure of God. Absence of ehsan use makes the very thing a trial. As examples given earlier, in the name of freedom many families are being broken due to chatting on the internet and children are being affected due to wrong use of something provided by God.

There are numerous commandments of the Holy Qur'an and detail of each commandment cannot be given here. However, one matter to which Hadrat Khalifat-ul-Masih wished to draw attention to and which he also alluded to earlier and which is much liked by God is thus stated: 'And who is better in speech than he who invites men to Allah and does good works and says, 'I am surely of those who submit?' (41:34) The first verse recited in the sermon stated to say what is best and the best is indeed what has been commanded by God. In this verse all good things are amalgamated and it summarizes them. The most ehsan word is inviting someone to God. However, this means that one should also keep an eye on what one is doing, to what extent one is practicing what one is preaching. As explained earlier, one should not say to others what one does not do himself. It is a sin and as explained earlier those who invite others to God must make their word and deed congruous and must make everything of theirs in accordance to the pleasure of God. It is the most excellent example of the teaching of Islam to invite someone to God for there is not a greater ehsan word. For this, one's own deeds should be good, that is, in accordance to the pleasure of God and a source of reformation of others.

Although not directly connected, an example of good works will be, as explained earlier, forgiveness as a virtue. God states that forgiveness should be adopted. However, forgiving a habitual thief or murderer will not be a 'good work'. In order to safeguard society such a person should be punished. God states there is nothing better than inviting people to God. One who invites others to God needs to remember that mere inviting is not enough, their each act should be good. It should not be so that they think taking the message to others is their obligation but do not pay the dues of their wife and children, or a woman does not pay the dues of her children. When someone accepts Islam through a person who has no care about the sanctity of the modest dress that Islam enjoins women but does fervent Tabligh and having accepted Islam reads the Holy Qur'an, they would find that although the person did Tabligh to them, they did not follow what the Qur'an commands. Similarly there are many other ills, like falsehood, backbiting etc. These will not be pardoned just because someone is very good at Tabligh. God states that one who speaks ehsan words should also do good works and should profess to 'hear and obey'. With this reference Hadrat Khalifat-ul- Masih drew attention of the Australian Jama'at to remember that God greatly likes inviting people to Him. However, this task requires one to adapt one's practices according to God's commandments, perfect loyalty and obedience.

Australia's population is approximately 23 million although its land mass is huge, it is in fact a continent. However, in terms of population it is not so large and the population is limited to a few cities which are also situated at great distances from each other. However, as mentioned at the Jalsa, full attention of Australian Lajna, Khuddam, Ansar and the Jama'at should be focused on Tabligh. Our task is only to take the message. Results are in the hands of God. InshaAllah results will be forthcoming when prayers are made in conjunction with hard work. Lest someone says that they do not know Ahmadiyya Community. Hadrat Khalifat-ul-Masih happened to watch Eid program on MTA produced in Australia in which Australian naib Ameer Sahib Khalid Saifullah related that in 1989 Hadrat Khalifat-ul- Masih (may Allah have mercy on him) had led Friday Prayers and Eid Prayers from this mosque and the mosque appeared huge as there were no more than 250 people present at the time. According to his estimate now there were approximately 2,500 people present. Hadrat Khalifat-ul-Masih said his immediate reaction to this was also of gratefulness to God to have increased our numbers. However, when he later reflected over the matter, he became concerned that in almost 24 years the increase in numbers was mostly due to immigrants from Pakistan and Fiji. In the last 24 years perhaps two or four people were brought into the fold of Ahmadiyyat via Tabligh and even they could not be taken care of. In 24 years even 24 Australian people were not made Ahmadis via Tabligh efforts and the increase in numbers here is due to people leaving Pakistan and Fiji, not through the efforts of the Jama'at there. Facts should be faced and kept in view because it is a cause for concern. Huzoor said at least for him it is a great cause for concern.

In addition to the early settlers in the country who now call themselves Australians, as well as the native people, its inhabitants are also Arab people and other races to whom Tabligh need to be done. Proper planning should be undertaken to start Tabligh. Hadrat Khalifat-ul- Masih said he has observed that Australian people are good listeners and promote discussion. If connections are made and then the message taken, some pious-natured souls will definitely be those who will accept the true faith. It is important to take the peaceable, fraternal message of Islam to every strata of society. People Huzoor met in Melbourne knew Ahmadis but most were unaware of the true message of Islam. They consider their acquaintance Ahmadis as part of a community with good morals but do not know the basic message of Islam.

A sincere friend was awarded a prize at Jalsa for distributing 20,000 flyers of our peaceable message in spite of his disability. It is said that there are about 4000 Ahmadis in Australia although Huzoor thinks there are more. Even if half of estimated 5000 had distributed flyers they would have distributed them to 10 million people, that is, half of Australian population would have received the peaceable message of Islam in one year. This could have been followed by a second flyer. In fact, even if as little as one tenth of people had taken up this task the media would have been interested and they would have taken up the message. This has happened in other countries, even a country like USA. Doubtless, contacts with the media are good in Australia, however, these should be used to spread the true message of Islam. Many people here, and in other countries, of retirement age have free time on their hand. They should dedicate this time to distribute flyers and take our literature to others for Tabligh. Huzoor said the facts and figures he quoted are only to generate insight into the matter; otherwise Huzoor is aware that the Australian Jama'at may not be currently able to meet the printing costs etc. If flyers are printed in bulk at a cost of 5 to 10 cents each, at least 500,000 Australian dollars will be required for 10 million copies. If the printing is done in hundreds of thousands, and it can be done, it is not a great problem; a lot of work can be done. Networking with the press comes in useful. It is understood that the Australian Jama'at does blood donation schemes. These should be associated with Islam which will open further avenues. More than anything else, as mentioned earlier, God states you should do good works, you should enhance in piety, have perfect faith and be drawn to prayer. May God include us among those who do good works and excel in piety and obedience and who act according to the pleasure of God. May God also generate good results and the increase in our numbers may come about due to the local people.



WHAT IS SHARI'AH?

Dr. Lutf ur Rehman

Allah says in the Holy Qur'an,

"We have set you on a clear path (shari'ah) in the matter of religion, so follow it." (45:19)

Indeed the Holy Qur'an provides guiding principles for all aspects of human life. This is the moral code of Islam, called shari'ah.

Shari'ah has two main areas, 'ibadat (worship, or Huquq Allah) and mu'amalat (worldly matters, or Huquq-al-Ibad).

'Ibadat

Worship includes salat, zakat, fasting, etc. The Holy Qur'an provides instructions about 'ibadat, and invites the believers to adopt them in the best possible manner. However, many details of worship are not mentioned in the Qur'an. For example, there is no mention of the detailed method of performing salat; it doesn't provide nisab [rates] for zakat; nor does it detail all the manasik [rites] of hajj. These details are provided through sunna and hadith.

Matters of 'ibadat are not subject to legal action or punishment by other human beings or the state. This is a relationship strictly between God and man. Parents, friends, mentors, and religious scholars draw the attention of people towards performing these acts of worship, but they have no enforcement powers—in fact, instructions are to the opposite. The Qur'an clearly states: "There should be no compulsion in matters of religion;" (2:257) "Admonish, therefore for you are but an admonisher. You have no authority to compel them." (88:22-23)

Mu'amalat

Worldly matters are divided into three types:

1. Family law: marriage, divorce, children, inheritance, etc.
2. Criminal law: Crimes of theft, robbery, adultery, murder, slander and matters of compensation, etc.; also includes punishments for certain crimes.
3. Common law: buying, selling, borrowing, property, financial matters, contracts, etc. As is true for 'ibadat, mu'amalat are also mentioned in principle only. There are large gaps that require and allow for the people to legislate and shape these principles according to the needs of time.

Sources of Shari'ah

The one true source of shari'ah is the Holy Qur'an. Scholars from all denominations of Islam are united on this principle. The difference is in the interpretation of the Qur'an.

Since the Holy Qur'an often mentions only broad principles, we look to other sources as well.

The first after the Qur'an is the sunna, which is of three types:

1. Actions of the Holy Prophet (saw)
2. Sayings of the Holy Prophet (saw), aka hadith
3. Verbal permission of the Holy Prophet (saw); i.e., when the Holy Prophet (saw) observed something or some action and did not prohibit it or permitted it

When both the Qur'an and sunnah are silent, then ijtihad [independent reasoning] becomes necessary. Ijtihad means making a determination about a matter based upon Qur'an the principal sources of shari'ah.

Islamic Jurisprudence

Islamic Jurisprudence (fiqh) is frequently mistaken as the same as shari'ah. Jurisprudence is interpretation of shari'ah by an individual based upon his understanding of the Qur'an and sunna. There are many schools of jurisprudence in Islam. In Sunni Islam there are four major schools named after their pioneer jurists.

(1) **Hanafi:** The most widely accepted school of jurisprudence and popular in many countries, including India and Pakistan.

(2) **Maliki:** The fiqh of Imam Malik, author of the renowned book of hadith, al-Muwatta, is followed primarily in the Islamic West, such as Tunisia, Spain, parts of Egypt and Sudan.

(3) **Shafi'i:** A seven-volume book, Al-Aam, serves as the basis for Imam Shafi'i's fiqh. Shafi'i is followed in Jordan, Palestine, Syria and Lebanon.

(4) **Hanbali:** Followed in Saudi Arabia and some adjacent areas, Imam Ahmad bin Hanbal collected 40,000 hadith in his Masnad.



In Shite Islam, there are three primary schools of jurisprudence:

- (1) Shia Imamiyyah: They follow Imam Jafar Sadiq
- (2) Shia Zaidiyyah: They follow the fiqh of Imam Zaid bin Ali
- (3) Shia Ismailiyyah: Pioneered by Qazi Nauman bin Muhammad Tamimi

Shari'ah in the Present Day:

We see a very strong movement in Islamic countries towards implementing shari'ah law. Muslims believe that the Holy Qur'an provides complete and perfect guidance to mankind, and if they simply enforce shari'ah law in their countries, this could resolve political and economic misery. Eleven countries have made their understanding of shari'ah law a part of their legal system. Unfortunately, it has resulted in more misery and despair for the people of these countries.

Many Muslims believe that Islam prescribes a specific economic system, a specific political system, and a rigid system of justice. They believe that Holy Qur'an contains complete details of the aforementioned systems, and all we need to do is to implement them. Peace and prosperity would follow instantly. Nothing could be further from the truth.

Islam does not prescribe rigid systems; rather its principles are easily adaptable to the needs of the time. Furthermore, enforcing the shari'ah runs contrary to the Islamic teachings of freedom of religion and blessings derived from voluntarily choosing to adhere to God's law.

In reality, the Holy Qur'an reforms society one person at a time. It is guidance for individual human beings, just as much as it is for all mankind. Every human being is free to examine the teachings of Islam and follow them to the extent he or she chooses. No legal framework is required. A person can believe in One God, offer five daily prayers, fast and pay the zakat. One can follow all other moral values of Islam such as be truthful, honest, caring, helpful, compassionate and charitable. One can respect his parents, be good to his wife, care for his children, help his family members and be a good person in his neighborhood. Enforcement of these teachings through legislation is unnecessary. The Holy Prophet (saw) possessed all the above-mentioned qualities and more. He had no help from the law of the land. One can be a good Muslim in any part of the world living under any type of government. He can comply fully with the moral teachings of Islam regardless of the country in which he resides.

What About the Legal Punishments in the Holy Qur'an? (Hudood)

The Holy Qur'an has prescribed punishments for four crimes, which it considers necessary for the maintenance of life, property and honor: murder; theft; adultery or fornication; and false accusation.

Every society in the world has some form of law to maintain order, as well as punishments for anyone who tries to disrupt that order. There are two guiding principles upon which punishments are designed:

1. Retribution: The punishment should be equal to the crime. The Holy Qur'an says, "And recompense of an injury is an injury the like thereof" (42:41).

2. Deterrence: This type of punishment is reserved for the worst crimes and for the worst offenders. They are not handed out on routine basis. Usually this type of punishment involves a physical component, and is delivered in public to achieve its full deterrent effect. Islamic punishments mentioned in the Holy Qur'an fall into the second category. Throughout Islamic history, very few criminals have received these punishments due to their effectiveness as a deterrent to the above-noted crimes.

Along with the punishments, Islam also presents the concept of civil settlement [qisas] and leaves the details to the government and the parties. (2:179)

Islam goes one step further and encourages forgiveness, provided that it is considered best, in the greater interest of society, and is granted free of coercion. The Qur'an says,

"But whoso forgives and his act brings about reformation, his reward is with Allah" (42:41).

Explaining this verse, the Promised Messiah (as) says, "If a thief is left without punishment and he is likely to become a robber, that person should be punished. If among two people one is such that just a stern look causes him regret then it is not prudent to punish him severely. But the other is bent upon mischief and forgiveness would cause him to become even worse, then he should be punished" (Malfuzat, vol. 1, p. 331).



Islam does not require Muslims to enforce these punishments at all times and under all circumstances. There are plenty of examples where Khulafa [successors of the Holy Prophet (saw)] did not enforce these punishments. According to the Holy Qur'an, murder, the capital crime, can be forgiven, or settled with monetary compensation (2:179). This principle ought to be applicable on other punishments too.

The Promised Messiah on Shari'ah

The Promised Messiah (as) says,

***"The goal of shari'ah is to acquire the attributes of God.
This is the highest form of self"***

***(Chashma-e-Masihi,
Ruhani Khaza'in vol. 20. p. 347).***

"Shari'ah has two parts or aspects which a person needs to protect. One is obligations to God and the other is obligations to the creation of God. Obligations to God are love for Him, His obedience and worship and His Unity and not to include anyone in His attributes. Obligation to man is that one should not be arrogant or dishonest, nor usurp the rights of others. His morals should be perfect. These are only two sentences but hard to follow" (Malfuzat, vol. 4, p. 214).

***"The goal of Shari'ah is to cleanse the self.
This was the mission of the Prophets.
They lead with their actions and point to the
path of success.
They fill the hearts with the love of God and
satisfaction.
I have come with the same mission"***
(Malfuzat, vol. 4, p. 242).

As we have seen, Islamic shari'ah is a code of moral values, and everyone is free to implement these values in his own life. The matter of others should be left to God. The Promised Messiah (as) never once demanded or suggested legal implementation of shari'ah.



Islamic System of Government:

Islam does not mandate any form of government. It talks about governance in broad terms. In the last fourteen centuries Islam has flourished in all parts of the world under all kinds of systems of governance. It is because Islam is not a political ideology. It does not mandate its followers to establish a specific form of government. The concept of Islamic government is recent and cause of much harm to the Muslims. Islam is a religion and teaches moral values. It gives us moral guidance to live a good, productive and effective life under any circumstances. If one of us was fortunate enough to find himself in the position of governance, Islam has guidance for him too. It says your affairs should be decided by mutual consultation (42:39) and you should be just (4:59). There is no place in the Holy Qur'an or the traditions of the Prophet (sa) where God tells Muslims to try to grab political power so the Law of God (Shari'ah) can be enforced on the people.

The Qur'an presents the concept of mutual consultation in all matters (42:39). The Holy Prophet (sa) was specifically instructed by God to consult with his followers in administrative matters. This instruction follows immediately after God acknowledges the weaknesses of the followers (3:160). This can be understood to imply some form of democracy.

For the Muslim subjects of a government, Islam says, obey God and obey the Prophet and also obey those who are in authority among you (4:60). Our Muslim religion can never be a cause to disobey the governments or our worldly leaders and rulers. The life of Promised Messiah (as) was a practical description of this verse. He was a prophet of God whose mission was the renaissance of Islam and who lived under a Christian ruler (British Empire). He never disobeyed the government. In fact, he professed his allegiance repeatedly and ordered all his followers to do the same. Never once did he talk about implementing Shari'ah or Islamic government

HISTORY OF SHARI'AH DEVELOPMENT

Arif Humayun

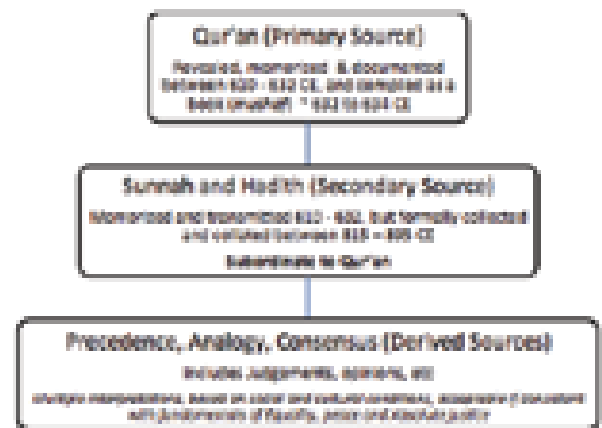
Shari'ah can broadly be divided into two parts – Personal and Legislative. Personal shari'ah refers to rules of faith practice as mandated in the Qur'an. It includes the individual's behavior, morality, manners, worship, character, etc. The Qur'an furnishes an essential framework of beliefs, duties, obligations, exhortations and sanctions along with broad principles and leaves considerable room for developing details by the people to safeguard against restrictive rigidity. Legislative shari'ah by comparison, is the human effort to develop a Qur'an compliant system of legislation; this was developed in the eighth and ninth century by the Abbasid Caliphate. A full understanding of legislative shari'ah and its historical evolution is critical because radical Muslim groups demand its implementation to usher in the Islamic system of governance. It is important to highlight that the radicals' ultimate objective is the establishment of a [mythical] Islamic State to be ruled by a Caliph under shari'ah.

Prophet Muhammad's death in 632 CE left a sudden leadership vacuum among the Muslims. They elected (or selected) a leader (caliph) from the Prophet's closest companion for leadership and guidance. Four such caliphs, elected on the basis of piety, were the Prophet's closest companions. They are referred to as the righteously guided caliphs and this Caliphate lasted about 30 years. It was terminated due to considerable political upheaval after which the Caliphate was assumed by the victor and became hereditary. The aftermath of this political turmoil caused the Sunni-Shia split.

The questions faced by the righteously guided caliphs were relatively simpler than those faced by their successors. The later caliphs faced momentous dilemmas when resolving difficult legal matters especially in areas where the Qur'an did not provide specific details. Their much larger, varied and increasingly more complex citizenry along with developments in education, science and arts, posed more difficult problems. The need for developing a Qur'an compliant law – Legislative shari'ah – was thus felt to preserve the essence of the first community when the prophet was alive, but under very different and ever changing circumstances.

The foundation for developing the Qur'an compliant system of legislation – Legislative shari'ah – was developed under the Abbasid Caliphates of al-Mahdi (775-785 CE) and Harun al-Rashid (786-809 CE) by two noted scholars Malik ibn Anas and al-Shafii. Shari'ah was designed to create a uniform legal system based on Qur'anic injunctions of equality, peace, and justice. It was to be applied uniformly to a diverse and growing population within the expanding Empire that included new converts of different cultural and social backgrounds. Its scope was to continually evolve and address the population's ever changing needs.

The Abbasid Caliphs created a distinct class of scholars to interpret the Qur'anic principles and develop Qur'an compliant legislation. A comprehensive and elaborate three tier process was thus developed for this purpose (Figure 1).



Three tier process for Legislative Shari'ah Development adopted by the Ottoman Caliphate

The Qur'an – the primary source – constituted the first tier which provided broad principles, but required further development for which two supplemental sources were developed.

The first supplemental system was the compilation of the Prophet's practices (sunnah) and exhortations (hadith). This was to serve as reference to exemplify the Qur'anic teachings by reference to the Prophet's life. The scholars painstakingly compiled the Prophet's practices and exhortations by collecting and collating verbal accounts from people whose ancestors had passed on the Prophet's traditions through generations. The authenticity of these accounts was validated through the person's piety and family lineage. Six such books were completed between 194 and 273 AH (816-895 CE), about two hundred years after the Prophet's death. As a general principle, these compilations are subservient to the Qur'an and must be rejected if found to be contrary to the Qur'an.

The second supplementary system, developed in consonance with Qur'anic injunctions, included analogical reasoning (qiyas and ijtihad), precedence, and consensus (collective reasoning or ijma) based on the jurists' judgments and opinions. This third tier can be classified as derived sources.

This three tier process for Qur'an compliant legislation became known as [Legislative] shari'ah and contained a wide range of ethical and moral principles, legal methodologies, and many conflicting and competing judgments. This rich and diverse matrix of opinions and judgments was collectively considered to be God's law. This multifaceted approach became the basis for a Muslim legal system. Given the diverse social and cultural conditions within the Caliphate, multiple interpretations were acceptable for the derived sources provided they were consistent with fundamental Qur'anic principles. The derived sources were regularly updated to remain current with changing needs due to the expanding territory, evolving knowledge and changing societal and cultural norms within the state. It was not a "one size fits all" approach and Legislative shari'ah allowed the judges' discretion as the current secular law does.

The ethos of shari'ah, like that of the Qur'an, was egalitarian. Special provisions were included to protect the weak, and no institution, such as the caliphate or the court, had any power to interfere with the personal decisions and beliefs of the individual. Each Muslim had the unique responsibility to obey God's commands (Personal shari'ah), and no religious authority, institution, or a specialized group of "clergy" could intercede between God and the individuals who were all considered equals. Shari'ah was thus an attempt to rebuild society on criteria that were entirely different from those of the emperor's court.

Unfortunately, during the 10th century, this process of legislation came to an end because later scholars ventured into resolving theoretical and hypothetical situations. Rather than broaden the horizon of jurisprudence, their speculations on hypothetical issues served to freeze further development because the process became more speculative than constructive.

Prof. Khaled Abou El Fadl, Professor of Law at the University of California, Los Angeles (UCLA) defines shari'ah as

"the sum total of all the legal opinions according to the various schools of thought, in addition to the principles and methodologies, were known collectively as the shari'ah."



He further explains shari'ah as:

"... Rather, Islamic law is produced by jurists interpreting textual sources and applying particular methodologies according to a fairly complex set of rules. The primary sources of Islamic law is the Qur'an, which Muslims believe is the literal, unadulterated word of God; the Sunna, which is a body of oral translations describing what the Prophet and his Companions said and did [collected and collated about two centuries after the prophet's death]; rule by analogy, which is effectively the following of precedents so that a judgment in an old case is adhered to in a similar new case; and consensus of the jurists (or, according to some, consensus of the Prophet's Companions, and according to still others, consensus of Muslims in general, as opposed to jurists).



Other than these main sources, a ruling in Islamic law could be based on equity, public interest, or custom. This, of course, is a general overview of the sources that Muslim jurists relied upon in constructing and building the Islamic legal system. But it ought to be noted that there were extensive debates and disagreements about the exact meaning and application of each of these sources.

... Muslim jurists exercised the dominant role in producing the set of judgments and rulings that we now know as Islamic law. In theory, Muslim jurists searched and interpreted the Divine law, and they exercised considerable leeway and discretion in deciding what is valid or invalid, what is legitimate or illegitimate, what to count and what to abjure, what to rely on and what to exclude. Because most of Islamic law is the product of juristic reasoning and interpretive activity, on any significant issue one will find multiple legal opinions all claiming to be correct. In the first couple centuries of Islam, well over thirty schools of legal thought, organized along the lines of methodological and interpretive differences, competed for the hearts and minds of Muslims. Although the competition among the various schools of thought was often intense, all schools were considered equally legitimate and orthodox. The sum total of all the legal opinions according to the various schools of thought, in addition to the principles and methodologies, were known collectively as Shari'a (the holy law of God). In the classical age the state could not produce Shari'a law; only the jurists could do so. Laws passed by the state were considered regulatory rules not included as part of Shari'a law."

Illustrating the diversity of Shari'ah, Prof. Fadl describes his collection of about fifty thousand titles on Islamic law in his personal library – the vast majority written between the ninth and sixteenth century.

Legislative Shari'ah was developed during a period when the global economic base was agrarian. Its purpose was to establish a peaceful and equitable society, which encouraged people to abide by the law and penalize the transgressor, with a view to reform and rehabilitate them; capital punishment was prescribed for exceptional crimes where the probability of reformation was extremely low. This structure provided a form of separation between spiritual matters and politics. The Caliph resolved spiritual matters while political rulers resolved other matters.

The most obvious evidence of this system's success was the rapid development and prosperity of Muslim societies and the emergence of the Ottoman Empire as the dominant power in the world. Muslim ascendancy ceased when the Europeans transformed the global economic basis to industrial and colonized Muslim lands in search for markets and raw materials.

In the ensuing leadership vacuum, some Muslim leaders characterized their downfall as divine punishment and urged believers to revert to the pristine form of Islam. Several reformation movements emerged during the last two to three centuries and proposed different, and at times competing, versions of pristine Islam. Some proposed the formation of an Islamic State where Muslims could practice their faith.

The process of industrialization evolved after the long and painful process of reformation and renaissance spearheaded by Western nations and required new and more elaborate standards of education and governance. The education system for the industrial system mandated that knowledge be obtained to solve problems. The nature of knowledge changed with the problems and gave birth to the need for continuing research in all fields. The legislation system required new laws to address industrial era issues and developed a new form of governance for the industrial economy. This constitution-based form of governance has been adopted by virtually all countries and replaced the legislation procedure developed by Abbasid Caliphate which was primarily developed for the agrarian economy.



References:

"Oh ye who believe, do not keep asking about things which, if they were expounded to you, would become troublesome for you ... Allah has left them out. Allah is most Forgiving, Forbearing. A people before you made such demands, and when they received directions they repudiated them" (Qur'an Ch 5, v 102-3).

Customary salutation meaning peace be on you.

The Islamic caliphate was formed after the Prophet's death to lead the community. The first four caliphs (Abu Bakr, Umar, Uthman, and Ali), elected based on piety and are known as the "rightly guided caliphs". Internal dissent resulted in the assassination of the last three caliphs and a civil war broke out after Ali's murder. The winner, a provincial governor Mu'awiyah, formed the Umayyad dynasty and claimed the caliphate in 661. The Umayyad Dynasty was defeated by the descendants of Muhammad'ssa uncle Abbas ibn Abd al-Muttalib who formed the Abbasid dynasty in 750 CE and also claimed the caliphate.

Sahih Bukhari (194-256 AH); Sahih Muslim (204-261 AH); Jamia Tirmidhi ((209-279 AH); Sunan Abu Daud (202-275 AH), Sunan Nasai (215-306 AH) and Sunan ibn Majah (209-273 AH).

AH (Anno Hegirae) or 622 CE marks the formal beginning of the Muslim calendar. Based on the lunar calendar, with nineteen ordinary years of 354 days and eleven leap years of 355 days in a 30-year cycle, Islamic dates cannot be converted into CE dates by simply adding 622 years. Allowance must be made for the fact that each Hijri century corresponds to only 97 years in the Christian calendar. The year 1428 AH coincides almost completely with 2007 CE.

And those who hearken to their Lord, and observe Prayer, and whose affairs are decided by mutual consultation, and who spend out of what We have provided for them, (Qur'an Ch 42, v 39)

Zafrullah Khan, "Islam and Human Rights" p 16

Khaled Abou El Fadl, "The Great Theft: Wrestling Islam from the extremists", p 31

INHERITANCE IN ISLAM

Dr. Lutf ur Rehman

Upon death, a person's belongings become his or her estate. This estate is generally passed on to surviving family members or friends. Different religions and governments have different rules and regulations about it. In the Old Testament (Torah) it is said, "Therefore, tell the Israelites; if a man dies without leaving a son, you shall let his heritage pass on to his daughter; if he has no daughter, you shall give his heritage to his brothers; if he has no brothers, you shall give his heritage to his father's brothers; if his father had no brothers, you shall give his heritage to his nearest relative in his clan who shall then take possession of it" (Numbers 27, 8-11).

Matters of inheritance fall under Family Law. An increasing number of governments around the world are allowing their citizens to decide these matters according to their own preferences and beliefs. Any Muslim is free to make a will according to the principles of Islam.

The Qur'an is a complete guidance for the Muslims. In the area of inheritance it has given us principles which allow us to distribute the estate of a person upon death, in an equitable and just manner. Allah says in the Holy Qur'an, "For men there is a portion in the estate of their deceased parents and close family and for women there is a share in the estate of their deceased parents and close family, may it be little or plenty. It is defined inheritance" (4:8). The shares of the surviving family members have been fixed in a determined order of succession. This makes it clear and simple to divide the estate. Of course there are some areas which need some clarification.

Making a Will:

In the Holy Qur'an Allah says, "When death approaches one of you, it is your duty to make a will, for parents and close family members in the matter of your estate, fairly. This is an obligation for the righteous" (2:181).

Anyone writing a will should have something of value to write about. The individual should be of sound mind and not insane. Many people use lawyers to write their wills to ensure conformity with the legal language and to ensure that their will may not be judged legally deficient. In the Holy Qur'an Allah tells us to have two witnesses of the will to ensure accuracy and validity (5:107).

Making a will in Islam is not a choice or option. It is necessary for a Muslim to make a will before death (2:181).

The Holy Prophet (sa) said that a person should not let two nights pass without a will (Abu Dawood, Kitab-ul-Wasaya).



If a person dies without a will, many governments have their own rules which may be different from the wishes of the deceased. Therefore it is important to have a will not just for the distribution of the estate but also the custody of children and other matters.

Order of Distribution:

The estate of any person, whether large or small, is distributed in the following order: 1) Pay for the expenses of the funeral 2) Pay the debts 3) Pay any bequeaths [called "Wasiyyat" in the Holy Qur'an. This includes any charitable contributions; share for those relatives who are not defined as inheritors in Islam; money or property given to the poor, servants and the needy etc. The limit of such bequests is 1/3rd of the estate at the most. The payment of "Hissa Jaidad" as part of "Nizam-e-Wassiyat" of Jamaat Ahmadiyya falls into this category.] 4) The remaining part of the estate will be divided according to a predetermined order of inheritors.

Heirs in Islam:

Parents: If the deceased has children, then parents will get 1/6th each. If the deceased has no children and no spouse, then the mother will get 1/3rd and the father will get 2/3rd. If the deceased has siblings then the mother will get 1/6th (4:12).

Husband: If the wife dies without children, the husband will get 1/2. If the wife had children, the husband will get 1/4th (4:13).

Wife: If the husband dies without children, the wife will get 1/4th. If he had children, the wife will get 1/8th (4:13).

Daughters: If the deceased had two or more daughters and no son, they will get 2/3rd total. If there is only one daughter and no son, she will get 1/2 (4:12).

Sons: A son's share is twice that of a daughter (4:12).

All of the above shares will be distributed after payment of funeral expenses, debts and bequests.

Each of the above family members will inherit from the deceased if they are living at the time. An unborn child is included in the inheritance. Their share in inheritance cannot be blocked. There are other heirs too, but their inheritance depends on the presence or absence of the above mentioned heirs.

Women's Share:

As a general principle, the share of women in inheritance is half that of men. Many have pointed at this as unequal treatment of women in Islam. Men and women are equal as human beings but are different from each other. Their role in life is different. For example, only women can be mothers and therefore are afforded certain rights and obligations. In the matters of family, Islam has charged men with the duty of financial support. Women are not obligated to contribute financially in the support of their families even when they have wealth and money. Therefore, from a financial standpoint, men need more resources. Hence Islam provides them with more. But Islam does not deprive the women and has fixed a share of all close female relatives of the deceased in the inheritance.

Some other Situations: As is true for any set of rules, regulations or laws, there will always be some exceptional situations which require individual attention. These situations cannot be addressed with the regular rules. I will mention several of them but address only one in some detail to demonstrate the availability of recourse in all such circumstances.

Problem: A grandchild is not an heir of his grandfather if the child's father has died. This seems to be an unfair situation. The child's father who was his provider has passed away and the mother may not have sufficient means to take care of family expenses.

Solution: This situation has been recognized and addressed in Islamic Family Law. Allah says in the Holy Qur'an, "If at the time of division of an estate other family members and orphans are present, give them a portion too and deal with them kindly" (4:9). Allah has permitted the bequest of 1/3rd of the inheritance. This can be used for those who cannot inherit in the regular order. So in this situation the grandfather is free to give to his grandchildren whose father has died up to 1/3rd of his estate. The Promised Messiah (as) says, "The grandfather can bequeath some to his grandson at the time of writing his will.... That grandson whose father has passed away, being an orphan is more deserving of mercy" ("Malfuzaat", Vol. 4, Page 297).

In 1950, the Egyptian government formed a committee of scholars and they recommended the following: "The grandfather is obligated to make a will in favor of his orphaned grandson up to 1/3rd of his estate. If he neglects to do so, it would be assumed as such." The government adopted this as law (Al Muwaris-ul-Islamiyyah, rule 137 & 138).

In Islamic family law, the grandfather stands in place of the father if the father dies. Similarly, a grandson is considered in place of a son, if the son dies. The majority of Muslim scholars are agreed on this. Therefore the grandson can inherit from his grandfather in the absence of his father, as a son. There is not a single documented case from the time of the Holy Prophet (sa) or the caliphs (ra) where a grandson was deprived because of the death of his father.

Problem: If a man has a daughter and a son, the son will inherit double the amount of his sister. The sister may be a single parent supporting her father and mother, and the son may be rich and uncaring.

Solution: It seems an unfair situation. Once again the father has the option of bequeathing a significant portion (1/3rd) to his grand children from the daughter, thus rectifying the situation.

Problem: The shares do not add up. There may be situations where the shares may not add up to 100%. In some situations they may be less than the whole and in others, more than the whole.

Solution: This is not a problem. They can be easily reduced or increased to be equal to the whole. This should be done proportionately for all shareholders. If the total is less than the whole, the left over can be distributed among those who are not mentioned as heirs.

Ineligible relatives:

These cannot inherit from the deceased in the regular order. They can be included in the bequest part of the will:

- Daughter's children
- Sister's children
- Brother's daughters
- Mother's brothers
- Mother's sisters
- Father's sisters
- Mother's father
- All of husband's relatives from his wife's estate
- All of Wife's relatives from her husband's estate
- Step parents from their step children
- Step children from their step parents
- Adopted children are not included in inheritors
- Non-Muslim relatives, such as non-Muslim parents or children are not part of the prescribed inheritors. This is a common problem when we are living in the West, where many Muslims have married into non-Muslim families. A Muslim cannot inherit from a non-Muslim either (Bukhari & Muslim, Bab-ul-Faraidh):
- Ex wife
- Illegitimate child (conceived and born out of wedlock)
- A killer cannot inherit from his victim (Sunan Ibn-e-Majah, Vol. 2. Bab-ul-Faraidh).

It is a practice in some parts of the world that the father disowns his son because of the son's bad behavior. He also removes the name of the son from his heirs. Islam does not allow this. The heirs have been determined by Allah the Almighty in His infinite wisdom. Such a will can be challenged and will be held deficient in Islamic family law.

A bequest or wasiyyat cannot be done in favor of one who is included in the heirs. For example, the father cannot give anything extra to his son or daughter over and above their prescribed share (Tirmidhi, Bab-ul-Wasayya).

This is a simplified account of the principles of inheritance in Islam. The more complex the situation of relatives at the time of death, the more complex is the solution. There are many simple calculators available on the internet which can calculate the exact inheritance.

Debts:

Islam does not prohibit taking out loans. In times of need one can take out a loan. Islam instructs its followers to spend a frugal life and try to keep the needs within means.

The Holy Prophet (sa) said,

“One who takes a loan from others and intends to return it, Allah would help him. And the one who takes out a loan and does not intend to return it, Allah will let him go to waste”
(Bukhari).

Hadrat Salmah Bin Aku states that one day they were in the company of the Holy Prophet (sa) when a funeral was brought to him. People requested him to lead the funeral prayers. The Holy Prophet (sa) asked if the person had any debts. The people said, no. The Holy Prophet (sa) then asked if he left behind any wealth. People said, no. Then the Holy Prophet (sa) led the funeral prayers. Another funeral was brought to him and people requested funeral prayers. The Holy Prophet (sa) asked if the deceased had any debt. The people said, yes. The Holy Prophet (sa) asked if he had left any wealth. The people said, yes. The Prophet (sa) led the prayers. A third funeral was then brought and people requested funeral prayers. The Holy Prophet (sa) asked if the deceased had left any wealth. People said, no. The Prophet (sa) then asked if he had debts. People said, yes.

The Holy Prophet (sa) said, “You should do the funeral prayers of your companion.” Abu Qatadah said, I take responsibility for his debt. Upon this the Holy Prophet (sa) led the prayers (Bukhari & Muslim).



It is clear from the traditions of the Prophet (sa) that he attached great importance to paying off debts. Anyone whose debt was more than his estate, Holy Prophet (sa) did not lead his funeral prayers.

These days we live in a society where mortgages and loans are a way of life. We should all strive hard to live within our means and save enough that at the time of death, not only our debts will be paid off, we will also leave behind sufficient wealth for our heirs as well as charitable causes.



HOW MUSLIMS USE THE QADHA SYSTEM TO RESOLVE DISPUTES

By: Rabia Salim

The Qadha is a system used by Muslims, as a legal way of settling disputes amongst Muslims. To further illuminate, the word Qadhi means a judge. If you are not familiar with the Islamic system of arbitration, this article will try to shed light on this subject. The questions I will cover in this article are: what is the purpose and practice of the Qadha system? Can Islamic law or Shari'ah be imposed on citizens?

According to the fourth Caliph Hadrat Mirza Tahir Ahmad(rh), imposition of a religious law on the entire population of a country is against the spirit of religion (1). In most democratic countries, people can practice their faith freely. We do not usually see law enforcement agencies entering churches or mosques and other worship places, and arresting people for performing actions that are different from the norm. Neither do people get arrested in their homes for saying a certain prayer before dinner. However, if a dispute arises within Muslims in their relationships, who should they turn to resolve the issue? In this case they do need to rely on a legal system, and it cannot always easily be the law enforcers of the country they live in, simply because that system will not represent the Islamic law. So they will turn to the Qadha system, made up of members literate in the Shari'ah, who can practice their own laws, which, it is important to note here, is supported by the government and are free to practice the Shari'ah (2). For example, in matters of marriages, with a dowry involved, the Qadha board will look at the case and consider Qur'anic verses and ahadith before making a final decision.

The other point to highlight is that Islam supports reconciliation. For example in the case of marital woes, the Qur'an says "And if you fear a breach between them, then appoint an arbiter from his folk, and an arbiter from her folk. If they (the arbiters) desire reconciliation, Allah will effect it between them. Surely, Allah is All-Knowing, All-Aware".(3)

This verse talks of arbitration. Just like a married couple's families sit and try to reconcile a problem, the Qadha board, in light of the Qur'anic injunctions and Islamic law, listen to both parties and works towards resolution; and this is also termed arbitration. In the Holy Prophet Muhammad's (peace and blessings be upon him) time he also acted as a Qadhi and performed this arbitration. He did not just do this for the Muslims; Jews would come to him too. However, notably, it was not a requirement that they had to convert for this process; all were welcomed by the Prophet irrespective of their faith (2). This is the point mentioned before, that the government's legal system is relieved of its burden by this system of arbitration.

In fact, the way the matter is brought forward and discussed, is similar to the way people have access to a civil court, and through this system, the two parties get onto the path of reconciliation, whereas when matters go to the authorities, each party is trying to press charges on the other.

The Qur'anic verse explains that disputes are a matter that Allah is aware of, and as he is All Aware and he is the Ultimate Judge, he can also see the intentions of the parties involved, and if they truly want to reconcile, there is no reason why the matter cannot be resolved. In that case, Allah will cause peace between them. However, if their hope is not to end the dispute, then matters may dissolve into separation between the two parties, but Allah knows the weaknesses of every human being, and they will have to live with that.

This is a good time to note, that the Qadha system does not accept criminal cases. This is because it would not be effective to research the crime; the law enforcement authorities must do this. The Qadha system tries to shed light on the case using Islamic injunctions. This brings us to another important point; this is why it is vital in Islam for the separation of church and state which I touched upon briefly in the beginning discussing freedom of religion.

Hadrat Mirza Tahir Ahmad(rh) wished to explain to the Muslim leaders in Pakistan, that it is not a feasible option to enact Shari'ah law as the only law in a country (1). For example if a non practicing Muslim was drinking alcohol, and the government caught him, would they throw him in jail? Firstly, as alcohol is prohibited in Islam, there would be a complete ban on its consumption, but how can this prohibition be imposed on non-Muslims? Secondly, even though the Qur'an has announced alcohol 'haram' which means forbidden for a Muslim, how would the government decide the punishment? The Qur'an itself does not give the punishment for drinking; it only has the injunction to abstain. The traditions of the Holy Prophetsaw will provide examples for punishment; however the people in power will not be able to agree on the interpretation of the traditions. And one could consider many other examples. The other question that arises is how could you possibly coerce people of one faith to practice Islamic injunctions? What if the Hindus coerced Muslims to practice Hinduism in India, or the Christians forced the Jews in America? Hadrat Mirza Tahir Ahmad(rh) cites these reasons why this amalgamation of religion and state would be a problematic system. Pakistan is an example of such an outcome. (1)

The Qur'an states, "There is no compulsion in religion. Surely, the right way has become distinct from error;"(4). Messengers deliver the word of God, and then the aspect of human conscience and free will comes into effect. Rather than the above system, all faiths, sects, and atheists should have the right to live and practice their faith in a Muslim majority country. Religious interpretations should not be dealt with by the law, only criminal cases, and this is how the Qadha system serves people having civil disputes who do not want to take their disagreement to the authorities.

All matters are brought before the board and over time this has consisted of elected people. The first Qadhi as mentioned was The Holy Prophet Muhammad(sa) and subsequent Qadhis were individuals with a deep knowledge of the revealed law. Hadrat Zaid(ra) is one example of a Qadhi appointed. In subsequent times, in the Ahmadiyya community, Hadrat Mirza Bashir Ahmad(ra) organized the Qadha boards in each country, and matters can be brought to the Caliph for appeal, so he has a position of final authority (2).

Human interaction sometimes causes problems, and to deal with those issues, a third party does need to get involved from time to time. Another example in the Qur'an of how reconciliation is best is also related to married couples. "And if a woman fears ill-treatment or indifference from her husband, it shall be no sin for them that they be suitably reconciled to each other; and reconciliation is best."(5) Marriage works with the work of husband and wife, and their respective families have to cooperate to make it a success. Reconciliation is top of the list, and divorce is the last. For this a third party can help each family work through the issues. This principle would apply to cases not involving marriage but two brothers for example. Allah also wants us to be the kindest and has enjoined Muslims to be "tender among themselves."(6) This is so that Muslims can progress; they should not have discord between them. (7) The Qadha system is to serve Muslims to strive towards harmony in the community on all levels possible.



When office holders work together benevolently, when the people trust and do not talk ill of the office holders and there is general harmony in the workings of the community, the community tends to progress. In his Friday Sermon, Hadrat Mirza Masroor Ahmad(atba), the fifth and current Caliph, enjoined Ahmadi Muslims to be free of covetousness, and to practice justice and be humble and pray hard for the election and designation of people into office. If this practice is not followed, the community suffers (8) and picking one of the many verses in the Friday Sermon, Hazoor quoted: "Do not slander your own people, nor taunt each other with nicknames (49;12)." A positive result of following these teachings in every aspect would be greater cohesion and an air of mutual cooperation, which is one of the major goals for a peace loving community. If differences do arise, they should be looked at with great wisdom and with an effort for mutual reconciliation without slandering each other before the matter is understood. May Allah help us to utilize the Qadha system only when needed and with great effectiveness. Amen.

1. Shariah Relationship Between Religion and Politics in Islam (1992). Hadrat Mirza Tahir Ahmad (ra). Tilford. <http://www.alislam.org/books/shariah/>
2. Faith Matters 106. → <http://www.alislam.org/v/7801.html>
3. The Holy Quran. (Ch 4 V36).
4. The Holy Quran. (Ch2 V257).
5. The Holy Quran. (Ch4 V129).
6. The Holy Quran. (Ch48 V30).
7. Friday Sermon: Current Muslim Disarray and True Islamic Teachings(2013). Hadrat Mirza Masroor Ahmad. <http://www.alislam.org/friday-sermon/printer-friendly-summary-2013-03-01.html>
8. Friday Sermon: Be Watchful of Your Trusts and Covenants (2013). Hadrat Mirza Masroor Ahmad. <http://www.alislam.org/friday-sermon/printer-friendly-summary-2013-04-12.html>

MANUSMRITI: HINDU SHARI'AH

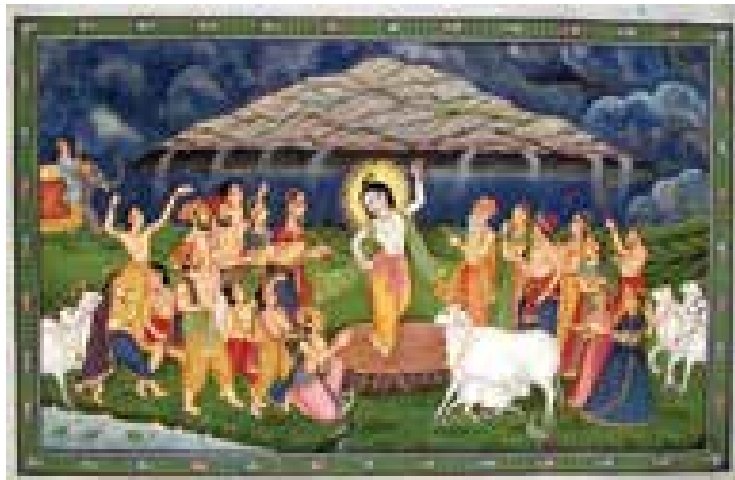
(Mubasher Ahmad, M.A., LL.B.)

Hinduism is one of the oldest and most complex religions with varying theological teachings and numerous multi-faceted social practices. There are four holy books or Vedas. These are the original scriptures of Hindu teachings, which contain a voluminous collection of hymns, spells, charms (called mantras) and religious instructions. Their compilation commenced almost 3,500 years ago in India. These sacred Hindu texts have detailed instructions for family and social issues, including the subjects of caste, livelihood, wedding ceremonies, the upbringing of children, education, health, healing and environment. Then, there are countless texts known as Upanishads, which serve as commentaries on the Vedas and were compiled approximately between the seventh and third century B.C.E. The Upanishads usually deal with the spiritual aspects of the ultimate reality and its relationship with the individual soul.

In addition to the Vedas and Upanishads, there is another compilation of sacred texts known as Manusmriti – that is, the laws or ordinances of Manu. Manusmriti in Hinduism is similar to the concept of shari'ah in Islam. Like the shari'ah for Muslims, the sacred laws of Manu codify rules and regulations that govern all aspects of Hindu life. In essence, Manusmriti is a textbook of Hindu laws dealing not only with household activities and social behavior, but political, commercial and cultural issues. It dictates the duties of a king and gives him the rules of governance. It lays down detailed instructions of legislative procedures, and defines crimes and punishments.

The composition of these Laws is ascribed to Svayambhuva Manu who is for Hindus the Adam of this age. Manusmriti, like the Vedas, was originally written in the ancient Sanskrit language, but it has been translated in modern languages as well. The first English translation was done by Sir William Jones in 1794. During the British reign in the Indian Subcontinent, it was used as a legal guide to rule over the Hindus of India. A more recent authentic translation of these laws was done in 1991 by Wendy Doniger, Professor of History of Religions at the University of Chicago, with Brian K. Smith, an Associate Professor of History and Religious Studies at the University of California, Riverdale. To understand modern Indian culture, philosophy and traditions, it is essential to know the Laws of Manu. The book is divided into 12 chapters, each dealing with specific topics in great detail.

The Laws of Manu re-enforce the Vedic division of Hindu society into four castes or groups: Brahmin, Kshatriya, Vaishya and Shudra. Each person belongs to the group in which he or she is born. Brahmins belong to the priest family, Kshatriyas are warriors or rulers, Vaishyas engage in businesses, agriculture and other money-earning occupations, and Shudras are born to serve others. Later, an additional caste of untouchables known as Dalits, the lowest of all, came into existence.

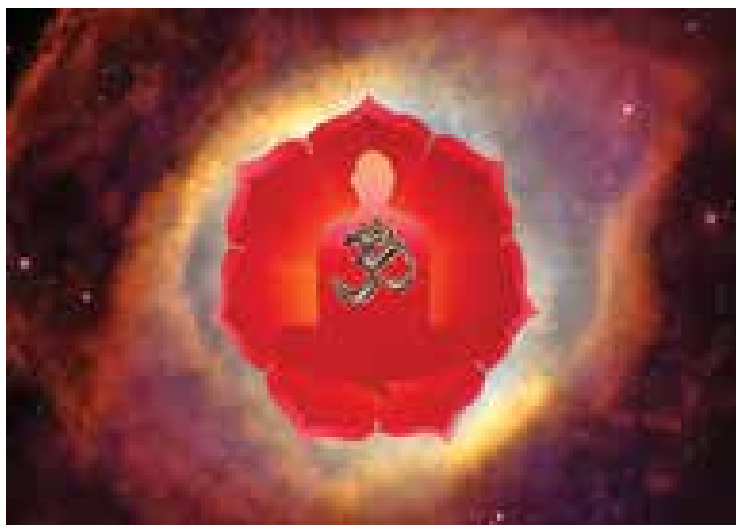


Dalits are considered as 'polluted' because while doing their assigned jobs they touch dead animals, excrements and other filthy elements. Marriages between members of different castes are restricted and carefully guarded. Usually members of a specific caste have to marry within their caste. At times, however, a man of higher caste may marry a woman belonging to a lower caste, but a man of lower caste cannot marry a woman of higher class. A man loses his high status in society when he marries a servant woman or begets a child with her. The ruling class has to respect and follow instructions of their priests. If they do so, they shall be rewarded through transmigration of their souls to be born in a priestly family in some future generation. But if they behave badly, then they may descend to the lower class of servants. In the Laws, Manu states: "If someone born from a priest in a servant woman produces a child with someone of a higher caste, the lower caste reaches the status of birth of higher caste after the seventh generation. Thus a servant attains the rank of priest, and a priest sinks to the rank of servant; and you should know that this can happen to someone born of a ruler, or of a commoner".(1)

The Brahmins, being members of the highest class of priests, have to develop good traits of character: 'Twice-born men in all four stages of life must constantly and carefully fulfill their ten-point duty. The ten points of duty are patience, forgiveness, self-control, not stealing, purification, and mastery of the sensory powers, wisdom, learning, truth, and lack of anger'.(2) However, a Brahmin cannot recite the sacred Vedic scriptures in the presence of the servant class. With the passage of time, the restriction on the Shudras prohibiting them from listening to any sacred text of Vedas, became so rigid that Gautama Rishi says in his Smriti: "If a Shudra happen to hear the Vedas, then it the king's duty to drop molten lead and wax into his ears; if a Shudra were to recite the Vedic mantras, the king should cut off his tongue and if he tries to read the Vedas, the king should cut his body". (3)

Different castes and families have their specific rules to live by; therefore, a just king has to take all those regulations into consideration to establish laws of each caste differently. Two full chapters (numbered 7 & 8) are devoted to explain the necessary traits and powers of a king, the laws that a just ruler should observe, and the legal procedures that he needs to follow. "For when this world was without a king and people ran about in all directions out of fear, the Lord emitted a king in order to guard the entire realm, taking lasting elements from the Wind, the Sun, Fire, the Moon, and the Lord of Wealth. Because a king is made from the particles of these lords of the gods, therefore he surpasses all living beings in brilliant energy." (4) Establishment of justice is the central role of a king. "Therefore no one should violate the justice that the king dispenses for those who please him (by obeying the laws), nor the unpleasant justice that he dispenses differently (that is, punishment) for those that displease him." (5) Justice, according to Manu, is to establish a system that guarantees the duty of the four stages of life.

The four stages of life (or Ashrams) are as follows: According to Manu, every person should hope to live 100 years divided into four successive terms of equal length -- of 25 years each. In each stage, there are specific goals to achieve: In the first 25 years, good education and knowledge; in years between 25 and 50, good family life by getting married and serving society, for which earning wealth (Artha) is required; from year 50 to 75, one should be getting ready for retirement by living a simple and meditative life, spending his time studying and following the sacred texts; and in the last 25 years, from 75 upwards, complete withdrawal from worldly engagements and full devotion to God and service to humanity is the final goal. Transitioning from one stage to the next should be natural and effortless, giving a feeling of joy. It is observed that Hindu families still try to follow this four-fold plan of life.



Manusmriti goes into great detail to describe various religious rituals and chanting of mantras that cover the whole span of life – from conception of a child until death and disposal of the dead body. These rituals are called Samskaras –they are formal religious ceremonies to give purity and sanctity to events in the life cycle. The Laws of Manu lay down the rituals starting with a male married man seeking priestly blessings for his wife to conceive a wholesome and pious child. When a married woman gets pregnant, another ritual called Punsavana Samskara is conducted to express gratitude to gods and goddesses. After the sixth month of pregnancy, another important ritual is performed, and its timing is set by cosmic calculations and the expectant mother is advised to eat good food and live in a healthy environment. Her thoughts and feelings affect the nature of the growing baby in her womb. Other ceremonies take place at the birth and naming of the child. The priest is informed about the exact time and date of the birth of a child to determine his or her horoscope and the energy of constellation at the birth time. In addition to these rituals, charitable acts are also performed. New rituals take place when the baby is brought out in the open for the first time, fed with solid food, shaving of head, and piercing of ears. Other ceremonies follow at the time of starting formal education, going for higher education, and returning home after completing formal education.

With marriage, a new phase of life starts. Elaborate Vedic ceremonies are written down in Manusmriti for man and woman how to conduct their family life – Garhysthya Ashrama. Manu emphasizes this stage as the strongest foundation of a society, and gives utmost importance to it. However, once a married couple starts getting old, and sees wrinkles upon their skins, it is time for them to retire from active household duties, and get ready to start an inner journey of spiritual advancement. For this, a special ceremony is performed in the presence of all family members and friends. A priest presides over the ceremony, and blesses the couple for a successful entrance into the life of detachment and gradual retirement from their domestic obligations.

Manu in his Laws appears to be cautious as to the nature of women, and puts them strictly under the control of men. "Men must make their women dependent day and night, and keep under their own control those who are attached to sensory objects. Her father guards her in childhood, her husband guards her in youth, and her sons guard her in old age. A woman is not fit for independence." (6) "Women should especially be guarded against addiction, even trifling ones, for unguarded (women) would bring sorrow upon both families. Regarding this as the supreme duty of all the classes, husbands, even weak ones, try to guard their wives. For by zealously guarding his wife he guards his own descendants, practices, family, and himself, as well as his own duty." (7)

If a married couple is lucky to reach the old age of 75, they are formally initiated into the final phase, that of asceticism or Sannyasi. The male is encouraged to leave the house and dwell in the wilderness. "Renouncing all food cultivated in the village and all possessions, he should hand his wife over to his sons and go to the forest – or take her along. Taking with him his sacrificial fire and the fire-implements for the domestic sacrifice, he should go out from the village to the wilderness and live there with his sensory powers restrained." (8) "He should wear an animal skin or bark or rags; he should bathe in the evening and in the morning; he should always keep his hair matted and his beard, body hair, and nails uncut... Constantly devoting himself to the private recitation of the Vedas, he should be controlled, friendly, and mentally composed; he should always be a giver and non-taker, compassionate to all living things." (9)

The end of life, according to the Laws of Manu should always be good. "A man who has gone from one stage of life to another, made the offerings into the fire, conquered his sensory powers, exhausted himself by giving alms and propitiatory offerings, and then lived as a wandering ascetic – when he has died, he thrives." (10) On the death of the person, funeral rituals are performed by the family members of the deceased with utmost respect. The body is cremated. Explaining the practice of burning the body to ashes, it is expounded: "Hindu sages believed in cremation of the deceased because with the burning of the dead body the five basic elements, fire, earth, ether, air, and water, which constitute the bodies of all beings, merge into the five essential components and the soul is free to enter another body based on the individual karma." (11)

In the words of Prof. Wendy Doniger, the translator of The Laws of Manu in English: "No modern study of Hindu family life, psychology, concepts of the body, sex, relationships between humans and animals, attitudes to money and material possessions, politics, law, caste, purification and pollution, ritual, social practice and ideals, and world-renunciation and worldly goals, can ignore Manu." (12) In short, Manusmriti is the shari'ah of Hinduism.

References:

- (1) The Laws of Manu, chapter 10: 64,65
- (2) Ibid., chapter 6:91
- (3) Gautama Smriti: 12
- (4) The Laws of Manu, chapter 7:3-5)
- (5) Ibid., chapter 7:13
- (6) Ibid., chapter 9: 2&3
- (7) Ibid., chapter 9: 5-7
- (8) Ibid., chapter 6: 3, 4
- (9) Ibid., chapter 6: 6 & 8)
- (10) Ibid., chapter 6: 34
- (11) Hinduism by Prabha Duneja, pp160, 161
- (12) The Laws of Manu: Introduction, page xvii

CRIMINAL LAW & PUNISHMENT IN ISLAMIC SHARI'AH

By: Harris Zafar

The past decade has witnessed a surge of interest, confusion and fear of what has been labeled "Shariah" or "Shariah Law." Much of the confusion has to do with the varying definitions of Shari'ah presented by different Muslims. On the one hand, many have defined Shari'ah as the set of commandments and guidelines with respect to following one's religion, which is to be done by free will. For example, Twentieth century Muslim scholar Dr. Abdullah Abbas al-Nadwi wrote a comprehensive lexicon of Quranic Arabic and explained that Shari'ah means "a religion, or a way of belief and practice in respect of religion." On the other hand, many have also defined Shari'ah as a form of government that enacts a collection of very strict (or what some call barbaric) laws and penal codes. This is consistent with the legal systems found in countries such as Sudan, Iran, Pakistan and Saudi Arabia, which have led many people to adjudge Shari'ah as something incompatible with the 21st century.

The truth is that Shari'ah is much broader and more complex than simply the form of government found in these different countries. It is indeed the religious law of God that paves the path of righteousness by providing a code of conduct for not only individuals but also societies. Yet, in addition to religious, moral and spiritual guidance, Shari'ah also provides direction on economic, social and even political matters. This is why the root word from which "Shari'ah" is derived is also defined as "a law, an ordinance, or a statute" because legal codes and ordinances are also one part of the broad arena that is known as Shari'ah.

When Muslim-majority countries decide to enact laws and a government in accordance with Islam, however, they do so based on the opinions, interpretations, discretion and preferences of the scholars and jurists in their country. Although these jurists are using the same sources of knowledge in Islam, their opinions invariably differ and lead to different interpretations. These different interpretations then become established and codified as a particular a particular body of law based on Islam, referred to by the Arabic word Fiqh. So, whereas Shari'ah is the overall code of conduct and life found in Islamic teachings, a particular Fiqh is a set of legal codes or laws derived from a particular interpretation and scholarly opinion.

When countries choose to implement a form of governance based on Fiqh, they define crimes and their associated punishments based on their interpretation of Islam. This is the area that attracts the most attention since it is embroiled in the most controversy and debate – even amongst Muslims. In Islam, crimes are understood to be actions that cross the hadd, which is an Arabic word referring to the bounds or the limits set forth by God.

In his widely accepted and used Arabic lexicon, E.W. Lane described this as the "limits which God has forbidden to transgress." Thus, it would refer to those matters which are described as being lawful and unlawful according to Islam, which illustrate the boundaries within which people are to live. Those who cross those boundaries or limits are seen as transgressors, for they abandon the laws of God and, thus, inflict harm on people and/or society.

Derived from the Arabic word hadd is the word Hudud, which is often used in the context of defining the punitive measures taken to protect the boundaries and limits defined by God. This word finds its basis and wisdom in the meaning of its root word hadd as an infinitive noun, which also means to prevent, hinder, impede, restrain or repel. Thus, Hudud can be understood to refer to those punishments put in place to prevent or hinder people from transgressing the limits of decent and moral behavior defined by God in the Quran. Such punishments are prescribed – although not mandated – by Islam in order to deter people from committing crimes and, thus, harming themselves, others and society as a whole. Its wisdom lies in the idea that it is a "punishment, that should prevent him from returning to his crime or offence, and that should prevent others from committing such a crime or such an offence."

The approach taken in Islam is to prescribe (or recommend) punishments for certain crimes, but such a recommendation is not binding on the elected authority of a nation. It is important to remember that even in the highly enlightened and moral civilization that Islam seeks to create, with high ethical standard, the punishments for those criminals who maliciously jeopardize its safety and culture cannot be imposed. The teachings of Islam make it clear that it calls for a secular state with elected representatives and leaders who must decide what is best for that particular nation. Two different Islamic societies – who have both been reformed to highly moral cultures – will still have independently run administrations, who may not select the same punishments for certain crimes.

Let's analyze the prescribed punishment of theft as a case study in order to understand the structure and wisdom of Hudud punishments. First, let us remember that Islam's prescriptions for punishments can be successfully implemented only in those cultures that are also being morally reformed. Countries steeped in corruption, deceit and immorality simply do not have the necessary ingredients for the successful introduction of these punishments that serve as a safeguard for society.

Certainly, punishments have proven to serve as deterrents to crime, which can help to lower the incidents of crime, but this alone will not create a just and reformed society. The aim of Islam is to foster a culture capable of achieving high morals in order for punishments to successfully deter people from crime. This partnership creates a just society.

The Qur'an states: "And as for the man who steals and the woman who steals, cut off their hands in retribution of their offence as an exemplary punishment from Allah. And Allah is Mighty, Wise." The Arabic word used for "the man who steals" in the above verse is (al-sariqu) and the word used for "the woman who steals" is (al-sariqat). These words are defined as "a thief" or "one who comes clandestinely to a place of custody and takes what does not belong to him" But the words have a deeper connotation and do not simply refer to a petty thief, since they are also defined as "the man addicted to theft" and "the woman addicted to theft" respectively. Islam establishes principles and rules to protect the rights and property of the innocent. These principles are undermined when a criminal steals an innocent person's property. The Prophet Muhammad (sa) had forbidden his followers from taking the lives and property of others, which is firmly supported by the verse in the Qur'an which commands, "do not devour your property among yourselves by false means."

Having established the intention behind hudud punishments, one must understand that the punishment must not only prevent and repel criminals from repeating their offenses but also must deter others from approaching such crimes. There is much disagreement among Muslim scholars regarding when the punishment of severing a hand can be applied and under what circumstances, but what is commonly understood is that this punishment only applies when the value of the stolen wealth exceeds a certain limit and when the person is sane (i.e. in possession of their senses), not a child and not forced to steal out of hunger. The exception of hunger is put into place because that is a failure of the society to provide for the needs of its people. Thus, a person who steals out of a necessity of survival should not face this punishment.

As with its other crimes, Islam requires eye witness accounts of the theft or confession by the criminal in order for guilt to be proven without any shadow of doubt. Of the very few cases of hand-cutting that occurred during the life of Prophet Muhammad (sa), most of the criminals had confessed to the act themselves. Islam requires two eye witnesses to the actual act of stealing and four eye witnesses when there are allegations of adultery or fornication. In either case, any witness brought to testify must be known to hold high morals so their testimony can be trusted. If the witness is known to have lied in the past, their testimony will not be accepted. Of course, knowing that most theft is done out of normal sight, circumstantial evidence can also be used for establishing guilt – for example, if the stolen property is discovered in possession of a thief.

Such is the high burden of proof within Islam, which makes the occurrences of such sentencing very rare. The standard of evidence required indicates that these punishments can only be applied in a truly virtuous society. In many modern day Muslim-majority societies that are devoid of virtue, it would be nearly impossible to find eye witnesses possessing the standard of honesty and integrity in order to accept their testimony, as witnesses are often bribed or influenced in these countries.

The wisdom of a harsh punishment only for those malicious people who jeopardize the peace of a virtuous society is that the punishment serves as a deterrent to the crime. Unfortunately, these days many in the West have more sympathy for the criminal than they do for the victim. They object to the stern measure – that has very seldom applications – which protects the safety and security of society. Instead, they prefer to show kindness to the criminals who harass the people. But they do so at their own peril because criminals are not stopped or deterred from the crime. As profoundly stated by Hadrat Khalifat-ul-Masih IV (the fourth Khalifa of the Ahmadiyya Muslim Community), "The philosophy of law is to protect the innocent, and if any law fails to protect the innocent for the sake of showing mercy to the criminal, that law must be considered 'inadequate.' He argued that the philosophy of law provided by Islam aims to protect the innocent from the threat of regular harassment by raising society's moral strength and using Hudud punishments in order to deter would-be criminals from committing the act.

This is a far cry from the form of government implemented in many Muslim-majority countries. Their system of governance is based on a particular implementation of a particular Fiqh as understood by local scholars of that nation. The manner in which each is implemented reflects the views of the scholars of that country only, which is mostly at odds with the manner in which these laws are meant to be understood and utilized according to the teachings of Islam. If the principles and prerequisites of Shari'ah and its Hudud punishments were truly practiced today, crime as we know it would disappear.

References

- Dr. Abdullah Abbas al-Nadwi, Vocabulary of the Holy Quran (IQRA International Educational Foundation, Chicago, 1986), page 303
 Edward William Lane, An Arabic-English Lexicon (Librairie Du Liban, 1968), Part 4, p. 1535
 Ibid, Part 2, p. 525
 Ibid, Part 2, p. 524
 The Holy Quran, 5:39
 Edward William Lane, An Arabic-English Lexicon, Part 4, Librairie Du Liban, 1968, page 1352
 Abdul Mannan Omar, Dictionary of The Holy Quran (Noor Foundation, 2003), page 257
 The Holy Quran, 2:189
 "Why are certain punishments in Shariah Law so severe, such as the cutting of a hand for stealing?", YouTube video, 10:34, posted by "AlIslamLibrary," Mar 8, 2011,

THE CONCEPT OF SHARI'AH IN THE BIBLE AND QUR'AN

By: Rizwan Khan

The shari'ah of the Bible and the shari'ah of the Holy Qur'an are so different in the preservation of fundamental human rights that a simple comparison suffices to decide between the two.

Laws Concerning Compulsion in Religion

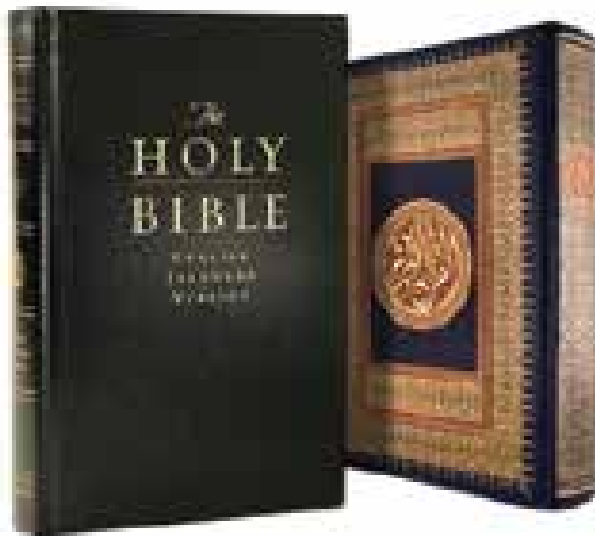
In the Bible, we find the following teachings concerning freedom of religion.

"Thou shalt not suffer a witch to live" (Exodus 22:18 KJV).

"A man also or woman that hath a familiar spirit, or that is a wizard, shall surely be put to death: they shall stone them with stones: their blood shall be upon them" (Leviticus 20:27 KJV).

"And that prophet, or that dreamer of dreams, shall be put to death; because he hath spoken to turn you away from the Lord your God..." (Deuteronomy 13:5 KJV).

"If thy brother, the son of thy mother, or thy son, or thy daughter, or the wife of thy bosom, or thy friend, which is as thine own soul, entice thee secretly, saying, Let us go and serve other gods, which thou hast not known, thou, nor thy fathers; Namely, of the gods of the people which are round about you, nigh unto thee, or far off from thee, from the one end of the earth even unto the other end of the earth; Thou shalt not consent unto him, nor hearken unto him; neither shall thine eye pity him, neither shalt thou spare, neither shalt thou conceal him: But thou shalt surely kill him; thine hand shall be first upon him to put him to death, and afterwards the hand of all the people" (Deuteronomy 13:6-9 KJV).



"And he that blasphemeth the name of the Lord, he shall surely be put to death, and all the congregation shall certainly stone him: as well the stranger, as he that is born in the land, when he blasphemeth the name of the Lord, shall be put to death" (Leviticus 24:16 KJV).

Here, the Bible teaches that one who is a 'witch', 'wizard', or 'false prophet' ought to be killed. A person who worships other Gods or is labeled as 'blaspheming' the name of God is to be put to death. Furthermore, we find:

"Six days may work be done; but in the seventh is the sabbath of rest, holy to the Lord : whosoever doeth any work in the sabbath day, he shall surely be put to death" (Exodus 31:15, 31:14, 35:2 KJV).

"And while the children of Israel were in the wilderness, they found a man that gathered sticks upon the sabbath day. And they that found him gathering sticks brought him unto Moses and Aaron, and unto all the congregation. And they put him in ward, because it was not declared what should be done to him. And the Lord said unto Moses, The man shall be surely put to death: all the congregation shall stone him with stones without the camp. And all the congregation brought him without the camp, and stoned him with stones, and he died; as the Lord commanded Moses" (Numbers 15:32-36 KJV).

Here, the Bible has prescribed death for one who breaks the Sabbath, and has even given a practical example of the teaching being implemented.

Conversely, the Holy Qur'an teaches that freedom of religion is a fundamental human right.

"There should be no compulsion in religion. Surely, right has become distinct from wrong..." (2:257).

"And say, 'It is the truth from your Lord; wherefore let him who will, believe, and let him who will, disbelieve'" (18:30).

Laws Concerning Crime and Punishment

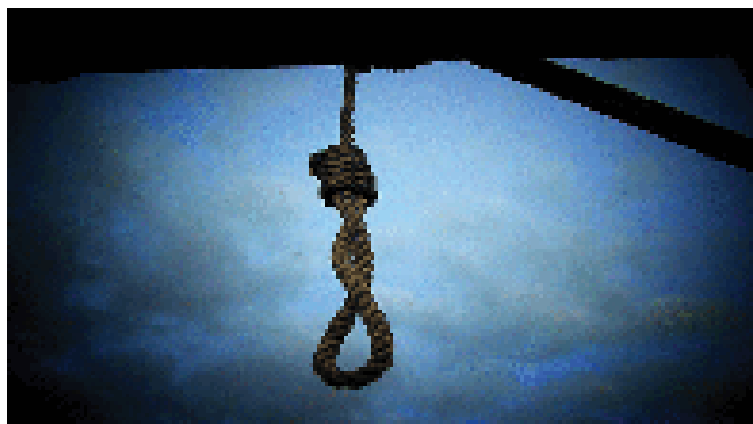
In the Bible, we find capital punishment prescribed for the following offenses,

"And he that curseth his father, or his mother, shall surely be put to death" (Exodus 21:17 KJV).

Whosoever lieth with a beast shall surely be put to death" (Exodus 22:19 KJV).

"And the man that committeth adultery with another man's wife, even he that committeth adultery with his neighbour's wife, the adulterer and the adulteress shall surely be put to death" (Leviticus 20:10 KJV).

"Moreover ye shall take no satisfaction for the life of a murderer, which is guilty of death: but he shall be surely put to death" (Numbers 35:31 KJV).



On the contrary, the Holy Qur'an has prescribed just three types of physical punishments, which are applied depending on the nature of the crime.

1.Capital punishment is prescribed for murder, waging war against Allah and His messenger, or creating disorder in the land (2:178, 5:34).

However, whereas the Old Testament teaches that a murderer cannot be forgiven, the Holy Qur'an teaches that if forgiveness brings about reformation, the family of the murdered can forgive him outright, or accept blood money in place of capital punishment.

2.Flogging has been prescribed for those who commit open adultery or fornication (i.e. four witnesses must testify), or those who calumniate chaste women without bringing four witnesses to testify (24:3, 24:5). Physical punishment is prescribed in proportion to a physical assault made against an innocent person (42:41).

3.A thief is to be punished by cutting off his/her hand. (5:39) This teaching can be interpreted literally, or it can be interpreted metaphorically, as imprisonment.

Furthermore, we find in the Bible:

"And if a man take a wife and her mother, it is wickedness: they shall be burnt with fire, both he and they; that there be no wickedness among you" (Leviticus 20:14 KJV).

"And the daughter of any priest, if she profane herself by playing the whore, she profaneth her father: she shall be burnt with fire" (Leviticus 21:9 KJV).

The Bible teaches that those guilty of certain immoralities be burned with fire; however, the Holy Prophet (saw) forbade any living from being be killed or tortured with fire. (Reference?)

Laws Concerning Warfare

We read in the Bible:

"When the Lord thy God shall bring thee into the land whither thou goest to possess it, ... And when the Lord thy God shall deliver them before thee; thou shalt smite them, and utterly destroy them; thou shalt make no covenant with them, nor shew mercy unto them: ... But thus shall ye deal with them; ye shall destroy their altars, and break down their images, and cut down their groves, and burn their graven images with fire. For thou art an holy people unto the Lord thy God: the Lord thy God hath chosen thee to be a special people unto himself, above all people that are upon the face of the earth" (Deuteronomy 7:1-6 KJV).

Conversely, the Holy Qur'an teaches:

"Permission to fight is given to those against whom war is made, because they have been wronged—and Allah indeed has power to help them—Those who have been driven out from their homes unjustly only because they said, "Our Lord is Allah"—And if Allah did not repel some men by means of others, there would surely have been pulled down cloisters and churches and synagogues and mosques, wherein the name of Allah is oft commemorated. And Allah will surely help one who helps Him. Allah is indeed Powerful, Mighty" (22:40-41).

On the one hand, the Bible has taught aggressive warfare, and on the other, the Holy Qur'an has only permitted defensive warfare. The teachings of the Old Testament result in the altars of peoples being destroyed, whereas the teachings of the Holy Qur'an result in cloisters, churches, synagogues, and mosques being saved from destruction. Further, the Holy Qur'an teaches:

"Say to those who disbelieve, if they desist, that which is past will be forgiven them; and if they return thereto, then verily the example of the former people has already gone before them" (8:39).

"And if they incline towards peace, incline thou also towards it, and put thy trust in Allah. Surely, it is He Who is All-Hearing, All-Knowing." (REF)

The Bible teaches that no peace can be made, nor can mercy be shown, whereas the Holy Qur'an teaches that peace must be made if it is offered.

Furthermore, the Bible teaches:

"And the children of Israel took all the women of Midian captives, and their little ones, and took the spoil of all their cattle, and all their flocks, and all their goods. And they burnt all their cities wherein they dwelt, and all their goodly castles, with fire. And they took all the spoil, and all the prey, both of men and of beasts" (Numbers 31:9-11 KJV).

And Moses, and Eleazar the priest, and all the princes of the congregation, went forth to meet them without the camp. And Moses was wroth with the officers of the host, with the captains over thousands, and captains over hundreds, which came from the battle. And Moses said unto them, Have ye saved all the women alive? Behold, these caused the children of Israel, through the counsel of Balaam, to commit trespass against the Lord in the matter of Peor, and there was a plague among the congregation of the Lord. Now therefore kill every male among the little ones, and kill every woman that hath known man by lying with him. But all the women children, that have not known a man by lying with him, keep alive for yourselves" (Numbers 31:13-18 KJV).

"And we took all his cities at that time, and utterly destroyed the men, and the women, and the little ones, of every city, we left none to remain: Only the cattle we took for a prey unto ourselves, and the spoil of the cities which we took" (Deuteronomy 2:34, 35 KJV).

"And thou shalt consume all the people which the Lord thy God shall deliver thee; thine eye shall have no pity upon them: neither shalt thou serve their gods; for that will be a snare unto thee" (Deuteronomy 7:16 KJV).

As opposed to this, Islam has taught:

- (i) Muslims are forbidden altogether to mutilate the dead (Sahih al-Muslim).
- (ii) Muslims are forbidden to resort to cheating (Muslim).
- (iii) Neither women nor children are to be killed (Muslim).
- (iv) Priests and religious functionaries and religious leaders are not to be interfered with (Tahavi).
- (v) The old and decrepit, and women and children are not to be killed. The possibility of peace should always be kept in view (Abu Dawud).
- (vi) When Muslims enter enemy territory, they should not strike terror into the general population. They should permit no ill treatment of common folk (Muslim).
- (vii) A Muslim army should not camp in a place where it causes inconvenience to the general public. When it marches it should take care not to block the road or cause discomfort to other wayfarers.
- (viii) No disfigurement of the face is to be permitted (Bukhari and Muslim).
- (ix) The least possible losses should be inflicted upon the enemy (Abu Dawud).
- (x) When prisoners of war are put under guard, those closely related should be placed together (Abu Dawud).
- (xi) Prisoners should live in comfort. Muslims should care more for the comfort of their prisoners than for their own (Tirmidhi).
- (xii) Emissaries and delegates from other countries should be held in great respect. Any mistakes or discourtesies they commit should be ignored (Abu Dawud, Kitab al Jihad).
- (xiii) If a Muslim commits the sin of ill treating a prisoner of war, atonement is to be made by releasing the prisoner without ransom.
- (xiv) When a Muslim takes charge of a prisoner of war, the latter is to be fed and clothed in the same way as the Muslim himself (Bukhari).

The Holy Prophet (sa) was so insistent on these rules for a fighting army that he declared that whoever did not observe these rules would fight not for God but for his own mean self (Abu Dawud)."

Based on these examples, we find a stark contrast between the shari'ah of the Bible and the shari'ah of the Holy Qur'an. We consider it sufficient to leave it to the reader to decide between the two.

References:

Life of Muhammad, Hadrat Mirza Bashirud-Din Mahmood Ahmad, pp. 182-184.

SHARI'AH AND CONSTITUTION A PERSONAL JOURNEY

Zia H Shah MD

After my training of six years to be a physician, as a lung and critical care specialist, I needed to serve in a small village in an under privileged area, to become a naturalized resident in USA. Five years later, when I became eligible for USA citizenship. At that time, it seemed no small achievement. In retrospect, however, it appears insignificant.

There is no denying that a lot of effort, planning and dreaming had gone into it.

About a million people become citizens of the USA every year. The day I and my wife became USA citizens, in 2000, we took an oath:

"I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God."

Now, as good Muslims, are we supposed to forget it, ignore it, trivialize it or honor it as a binding promise and contract?

May be we should ignore it, as the USA is not a Muslim majority country and at times we do not agree with the foreign policy of USA? But, did we think about it, when we so anxiously took the oath of allegiance and celebrated it as a life time achievement? Of course not!

I look at the peace and justice the country is providing me and my family. My three sons were born in the USA, before I and my wife became citizens and so they became citizens before us, a privilege that would have been denied to us in many of the so called Muslim countries.

Being in the USA, gives me the freedom to express myself, in writing, in blogs and in Twitter, even if I am critical of Christianity or USA's foreign policy.



The same cannot be said for the country of my birth, where as an Ahmadi, if I say Salam, the Muslim greeting to anyone in public, I could be put in jail for three years, according to a draconian law in Pakistan, the notorious Ordinance XX of 1984.

So, do I want "Shari'ah" or the Constitution of USA?
The answer is ridiculously obvious.

I have to honor my oath of allegiance. It is not only my moral duty, but also a religious one. The Qur'an reminds me in several places to honor my promises and pledges and I quote three here:

It is not righteousness that you turn your faces to the East or the West, but truly righteous is he who believes in Allah and the Last Day and the angels and the Book and the Prophets, and spends his money for love of Him, on the kindred and the orphans and the needy and the wayfarer and those who ask for charity, and for ransoming the captives; and who observes Prayer and pays the Zakat; and those who fulfill their promise when they have made one (2:178).

And:

Relate the story of Ishmael as mentioned in the Book. He was indeed strict in keeping his promise. And he was a Messenger, a Prophet (19:55).

And:

Surely, success does come to the believers, Who are humble in their Prayers, And who shun all that which is vain, ... And who are watchful of their trusts and their covenants (23:2-9).

So, keeping my promises is my shari'ah, my religion. Additionally, there is a well known Hadith, 'Love of your country (patriotism) is a part of your faith.'

I joined Ahmadiyya Muslim Community, when I was in my medical school, in King Edward Medical College, in 1984. Many of my close relatives are still Sunni Muslims and when some of the zealot Sunni Muslims aspire for shari'ah law in one or the other Muslim country, I know where they are coming from.

The zealot Muslims suggest that the Prophet Muhammad(sa) was the political leader in Medina and therefore they want to pursue shari'ah Law in their respective countries.

But, they conveniently forget that the Prophet ruled according to the Covenant of Medina, rather than shari'ah, among the different groups in Medina.

They also conveniently forget that he did not prescribe a political system and each of the four righteous Khulafa, after him, came to office, through somewhat different procedures.

They also forget that unlike the Qur'an, God did not choose to preserve the "Muslim political system" which unfortunately degenerated into kingship.

They also conveniently forget that the Qur'an does not prescribe a political system or a theocracy, but, it does highlight principles of religious freedom, justice, and consultation with those who are ruled. These and additional core principles should go into the development of any political system, which fulfils the need of the time.

The Qur'an tells us:

"There should be no compulsion in religion. Surely, right has become distinct from wrong; so whosoever refuses to be led by those who transgress, and believes in Allah, has surely grasped a strong handle which knows no breaking. And Allah is All-Hearing, All-Knowing" (2:257).

And:

"Indeed, Allah commands you to make over the trusts to those entitled to them, and that, when you judge between men, you judge with justice. And surely excellent is that with which Allah admonishes you! Allah is All-Hearing, All-Seeing"(4:59).

And:

"O ye who believe! be steadfast in the cause of Allah, bearing witness in equity; and let not a people's enmity incite you to act otherwise than with justice. Be always just, that is nearer to righteousness. And fear Allah. Surely, Allah is aware of what you do"(5:9).

And:

"And those who hearken to their Lord, and observe Prayer, and whose affairs are decided by mutual consultation, and who spend out of what We have provided for them"(42:39).

The zealots conveniently forget that the Prophet himself said to acquire knowledge, even if one has to go to China.

So, we have no choice, but to benefit from the human experiences, in the sphere of political science, both in the Muslim and the non-Muslim world

Just like science has progressed in the last 1400 years, so has the understanding of political, judicial and financial systems. As the Muslims cannot afford to throw away science and technology, all the other human learning of the last 1400 years cannot be thrown away in the zealot pursuit of "Islam."

The Qur'an is certainly the literal word of God and the Prophet Muhammadsa is certainly the last Law bringing Prophet.

But, we have to understand and interpret their teachings in the present day context and not in the context of seventh century Arabia.

We now live in a Global village with its varied considerations.

In this day and age the Qur'anic perspective and the judgment of the Worldwide Head of the Ahmadiyyah Muslim Community, Hazrat Mirza Masroor Ahmad is that Separation of Mosque-Church and State, is the only recipe for peace and security.

I do not like the foreign policy of USA, when it, at times, kills innocent people in drone attacks and labels it as collateral damage. Lately, France, Germany and Spain are unhappy with USA as it was spying on phone communications in Europe. In other words my country, USA is no angel.

But, when I look at the foreign policy of other countries, I find that there is no utopia and the world is not black and white. When I look at Saudi Arabia, I find the rule by one royal family completely defies the egalitarian principles of Islam. I look at their foreign policy and I am dismayed by their recent role in Syria. I do not approve of discriminatory practices of West Pakistan against East Pakistan, now Bangladesh.



I do not approve that the USA does not allow polygamy.. There are countless single mothers and millions of fatherless children, with numerous psychological setbacks for these children, as a result of broken homes. They could certainly benefit from a father figure in their homes.

Islam is a religion of middle course. I do not have to take extreme positions of being "for," America or "against," America. I can have a more nuanced position, a middle course. I can be patriotic, serve my fellow citizens in my profession and otherwise and where I think my country has gone on a wrong track, to work through the civic process to gradually rectify the wrong. Slavery was not abolished in the USA, for several decades after the Declaration of Independence, despite the statement, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men."

Nevertheless, we have seen gradual perfection of our union to borrow words from President Barack Obama and now race relations have tremendously improved in the USA.

I recently happened to read the preamble of constitution of Ireland; it starts off with the following lines:

In the Name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and States must be referred, We, the people of Éire, Humbly acknowledging all our obligations to our Divine Lord, Jesus Christ, Who sustained our fathers through centuries of trial, Gratefully remembering their heroic and unremitting struggle to regain the rightful independence of our Nation.



Now, if Trinity is strange, as all the Jews, Muslims, Unitarian Christians, Jehovah Witness and agnostics and atheists think, then the country has certainly started on the wrong foot.

The Constitution of USA does not commit any such folly. It may not be perfect, but, I think it is the best among the constitutions in vogue in the world and it has 225 years of successfully history behind it.

So, I have a framed copy of the Constitution hanging in my medical office and that is the only frame hanging in my office, for the last twelve years.

Utopia is not possible. We cannot have a perfect world or a perfect country. But, I find the USA to be the best country to live in. So I continue to be patriotic and love my country and will continue to honor my oath of allegiance



FROM THE ARCHIVES

Muslim Sunrise 1953, Fourth Quarter Islam's Influence upon Western Thought



In the field of law, Islamic scholars were limited by authoritarian principles of their religious heritage, but despite this limitation they were able to make some contributions. Santillana credits to them certain legal institutions such as limited partnership and certain technicalities of commercial law, but in general, there is no doubt that the high ethical standards of certain parts of Arab law have had a positive influence upon the development of our modern concepts. (Dide Santillana in *The Legacy of Islam*, p. 310) In commerce, Islam pioneered in the establishment of trade association and joint stock companies and in the use of checks, letter of credit, receipts, and bills of lading.

One of the greatest contributions of Muslim culture to European thought was the work of its philosophers. The Arabic philosophers rediscovered Greek philosophy, and, above all the works of Aristotle. Through their translations and studies they introduced Aristotle and Neo-Platonism to the West centuries before the revival of Greek scholarship in the Renaissance. As late as the beginning of the fourteenth century, the University of Paris admitted Aristotle only as explained by Ibn Rushd's (Averroes) commentary.

Al-Kindi, Hunayn ibn Ishaq, al-Farabi, ibn-Sina, al-Ghazali, and Ibn Rushd all acted not only as preservers and transmitters of classical philosophy, but also as commentators and contributors to it. The works of Al-Ghazali and Ibn Rushd were particularly influential for Christian philosopher-theologians.

Foremost among Christian thinkers touched by the influence of Al-Ghazali and Ibn Rushd was Thomas Aquinas. Al-Ghazali's works reached Thomas through the *pugio fidei* of Raymund Martin of the Toledo School, who incorporated much of Al-Ghazali's works into his writing. Some of the more important questions on which St. Thomas and Al-Ghazali agree are "The value of human reason in explaining or demonstrating the truth about divine things; the ideas of contingency and necessity as demonstrating the existence of God; the unity of God implied in His perfection; the possibility of the beatific vision; the divine knowledge and the divine simplicity;

God's speech *aver bum mentis*; the names of God; miracles a testimony to the truth of the prophets' utterances; the dogma of the resurrection from the dead." (A. Guillaume in *The Legacy of Islam*, p. 274). These conclusions reveal the creative thinking of both of these philosopher-theologians, and suggest an influence of the former on the latter.

St. Thomas was also simulated by the works of Ibn Rushd and of his followers, who taught that faith and reason are mutually contradictory, and that matter from revelation must be rejected in the face of opposing reason. St. Thomas set out to prove that faith and reason are not incompatible; that they work together; but that in some instances faith goes beyond the limits of mere reason in revealed matters. He established reason as a handmaiden of faith, and kept theology and philosophy as important conjunctive disciplines.

Guillaume shows that Ibn Rushd actually taught the harmony of faith and reason just as Thomas did. Both gave reason its proper place, made use of the ancients and at the same time submitted their conclusions to the criticism which the reflection of subsequent centuries demands. Both held the reasonableness of a middle course between a skeptical mysticism and a rationalism which is divorced altogether from belief in the possibility of a revealed religion.

.....But all relations between Christians and Muslims were not as productive as the philosophical exchange. For every Thomas who studied Islamic writers and met their claims with reasoned replies there were hundreds of churchmen who saw the Muslims only as menacing infidels and reacted with uninstructed and impassioned hatred. And before Thomas could garner the fruits of Islamic scholarship without fear of compromising his own faith, centuries of tactical encounter between Christians and Muslims had taken place.

(*The Impact of Islam on Christianity*, by Kenneth H. Crandall, American Friends of The Middle East, New York)

POSITION OF WOMAN IN ISLAMIC LAW

By: Shazia Sohail

In order to understand the position of women in Islamic society, one must first look at the position of all human beings—men and women—in Islam. Human beings have been invested with the capacity to make unlimited moral progress and attain spiritual heights where Divine attributes may be manifested in their persons. The motivation to make moral progress comes from a desire to attain inner and outward peace. Each human being seeks to attain peace by utilizing his or her capacities and resources, and by overcoming his or her specific set of challenges in a manner that coincides with the values by which they want to live their lives. While the faces, genders, capacities, resources and challenges of human beings vary from person to person, the soul of all human beings remains the same. The body is the home of the soul and defines, to a large extent, the challenges the soul must overcome in order to make progress.

The soul itself has no race, gender, tribe or social class. Everyone's soul comes from a single source: "O ye people! fear your Lord, Who created you from a single soul and created therefrom its mate, and from them twain spread many men and women" (4:2).

God created human beings with the sole purpose that they may come to know Him through a continuous process of moral advancement: "I have created humans, high and low, that they may worship me" (51:57). He has invested men and women with the best faculties: "Surely, We have created the human being in the best mould" (95:5). Whatever spiritual progress can be achieved by one person can be achieved by any other person as well: "But whoso does good works, whether male or female, and is a believer, such shall enter Heaven, and shall not be wronged even as much as the little hollow in the back of a date-stone" (4:125). The attainment of the highest spiritual status is possible for all men and women: "And whoso obeys Allah and this Messenger of His shall be among those on whom Allah has bestowed His blessings, namely, the Prophets, the Truthful, the Martyrs, and the Righteous. And excellent companions are these" (4:70). He also promises protection to His friends, men and women: "Hearken, the friends of Allah shall certainly have no fear, nor shall they grieve" (10:63).

With the advent of Islam, having a daughter ceased to be a matter of dishonor; to the contrary, educating and raising daughters well is a means of attaining spiritual ascendancy. Parents are obligated to spend equitably on the education and upbringing of sons as well as daughters. A mother is three times more deserving of care and service as the father⁴. In the role of a wife and mother a woman has many responsibilities that she is required to carry out faithfully in order to attain God's pleasure. These responsibilities are in no way harder or lighter than the responsibilities of husbands and fathers.

Marriage

The guardian of a woman must seek the woman's consent before contacting her marriage. At the time of a daughter's marriage, the father of the bride may demand a dower, called mehr, as part of the marriage contract. Mehr is payable by the husband to the wife, and is to be spent by her at her own discretion. Once it has been paid to her, she may remit it back as a gift to the husband if she so wills; however, the husband may not ask to be exempted from paying it. In the event of the death of the husband before the mehr has been paid, the mehr would be treated as a debt payable by the heirs before the division of his inheritance. In addition to inheriting from her husband's wealth, a widow has a right to live in the same house where she lived with her husband—if, say, the house happened to fall in someone else's inheritance—for a year after the husband's passing away; she is to be supported for a year as if the inheritance has not been split.

"And those of you who die and leave behind wives shall bequeath to their wives provision for a year without their being turned out. But if they themselves go out, there shall be no blame upon you in regard to any proper thing which they do concerning themselves. And Allah is Mighty, Wise" (2:241).

The wife is responsible for the upkeep of the home but only to the extent that she is able; she may hire a helper if she feels overburdened and the husband's income allows. The husband is also expected to help in the household chores as per the Holy Prophet's (saw) sunnah. Whatever she earns by working is her personal wealth and the husband or household expenses have no claim to it. With this in view, a son's inheritance is generally twice that of a daughter. A woman also inherits in her capacity as a wife and a mother. In cases where a man dies without any children, a woman inherits in her capacity as a sister as well.

It is entirely the husband's responsibility to pay, according to his means, for housing, food and other household expenses pertaining to the wife and children.

"Men are guardians over women because Allah has made some of them excel others, and because they (men) spend of their wealth. So virtuous women are those who are obedient, and guard the secrets of their husbands with Allah's protection. And as for those on whose part you fear disobedience, admonish them and leave them alone in their beds, and chastise them. Then if they obey you, seek not a way against them. Surely, Allah is High, Great (4:35)."

This verse embodies in itself a complete guide for the rights and obligations of husbands and wives and a means to resolve conflict. In view of the fact that husbands bear sole responsibility for the upkeep of the home and family, they have a right to expect that their

wives be chaste, virtuous, and obedient to those wishes of their husbands that are in line with the commands of Allah. Husbands have been allowed specific recourse corresponding to failure in these three areas. If a wife is not virtuous the husband may admonish her; if she is disobedient he may move to a separate bed for a period not exceeding four months (2:227); if she allows the intrusion of a third party into their private affairs through unchaste behavior he may admonish her a bit more forcefully, but for a very short period of time. If the husband feels sufficiently wronged, he would have to seek legal action against his wife (4:16, 24:7-10).

Divorce

The wife may initiate divorce at any time as well, in which case she would forego the mehr or some other financial benefit she received from the husband. If, however, the judge determines that she is seeking divorce on grounds of abuse, the judge may grant her the mehr. At the time of this kind of divorce the only requirement is for the judge to ascertain that she is seeking divorce by her own free will; no other expression of reason or evidence is required.

Attempt at Reconciliation: "And if you fear a breach between them, then appoint an arbiter from his folk and an arbiter from her folk. If they (the arbiters) desire reconciliation, Allah will effect it between them. Surely, Allah is All-Knowing, All-Aware" (4:36). Divorce is the measure of last resort. According to hadith, out of all permissible acts, this is the least liked by God.

Alimony: "And for the divorced women also there should be a provision according to what is fair — an obligation on the God-fearing" (2:242).

Spousal and Child Support: "And the man to whom the child belongs shall be responsible for their (the mothers') food and clothing according to usage. No soul is burdened beyond its capacity (unreasonable demands should not be made). The mother shall not make the father suffer on account of her child, nor shall he to whom the child belongs make the mother suffer on account of his child, and the same is incumbent on the heir" (2:233). If the grandfather or other relatives become guardians they should not try to take the child away or make the mother suffer in any way.

Child Custody:

Physical custody of minor children is ideally determined by mutual agreement between the mother and the father. Failing that, the judge will take into account the physical and emotional welfare of the child as well as the temperament of parents. As a rule a child under the age of nine would be remanded to the mother's custody while the father remains financially responsible for both mother and child. He also remains the legal guardian of the child and must be consulted before any major decisions about the child are made.

Upon turning nine, the child's preference is determined. In some cases the judge may grant custody against the child's wish if it is clearly in the child's best interest; for example, if the child lacks discipline and prefers to stay with the father because he is less watchful and the mother is stricter, the judge may grant custody to the mother. Custody arrangements may be re-evaluated upon the mother's remarriage.

Annulment: A woman may request a judge for the annulment of marriage if any of the following apply to the husband:


- i) Mental handicap
- ii) Imprisonment for an unusually long period
- iii) Impotence
- iv) Severe or transmittable disease
- v) Permanent illness
- vi) Cannot, or refuses to, financially support the family
- vii) Marriage was contracted by the woman's guardian before her age of maturity
- viii) Refusal to have conjugal relations for more than four months
- ix) The requirements of nikah (religious marriage ritual) were not fulfilled
- x) Adultery

Other Legal Matters

Protection against False Accusations: "And those who calumniate chaste women but bring not four witnesses — flog them with eighty stripes, and never admit their evidence thereafter, and it is they that are the transgressors" (24:5).

Testimony in Financial Matters: "And call two witnesses from among your men; and if two men be not available, then a man and two women, of such as you like as witnesses, so that if either of two women should err in memory, then one may remind the other" (2:283). Since a solitary female witness would have little to no opportunity to refresh her memory through socialization with men, the requirement to call forth two female witnesses has been put in place. However, while two are "called forth," the testimony of just one female witness suffices and may, in some cases, be superior to that of the male witness in the judge's estimation..





SAYINGS OF THE HOLY PROPHET MUHAMMAD(sa)

ADULTERY

Narrated By Ibn Abbas : The Holy Prophet (peace be upon him) said, "Allah said, 'The son of Adam tells a lie against me though he has no right to do so, and he abuses Me though he has no right to do so. As for his telling a lie against Me, it is that he claims that I cannot recreate him as I created him before; and as for his abusing Me, it is his statement that I have offspring. No! Glorified be Me! I am far from taking a wife or offspring.'"

The Holy Prophet (peace be upon him) said : "Allah the Almighty said : I am as My servant thinks I am . I am with him when he makes mention of Me. If he makes mention of Me to himself, I make mention of him to Myself; and if he makes mention of Me in an assembly, I make mention of him in an assembly better than it. And if he draws near to Me an arm's length, I draw near to him a fathom's length. And if he comes to Me walking, I go to him at speed."

The Messenger of Allah (peace be upon him) said : "Allah (mighty and sublime be He) will say on the Day of Resurrection : O son of Adam, I fell ill and you visited Me not. He will say: O Lord, and how should I visit You when You are the Lord of the worlds? He will say: Did you not know that My servant So-and-so had fallen ill and you visited him not? Did you not know that had you visited him you would have found Me with him? O son of Adam, I asked you for food and you fed Me not. He will say: O Lord, and how should I feed You when You are the Lord of the worlds? He will say: Did you not know that My servant So-and-so asked you for food and you fed him not? Did you not know that had you fed him you would surely have found that (the reward for doing so) with Me? O son of Adam, I asked you to give Me to drink and you gave Me not to drink. He will say: O Lord, how should I give You to drink when You are the Lord of the worlds? He will say: My servant So-and-so asked you to give him to drink and you gave him not to drink. Had you given him to drink you would have surely found that with Me."

SHARI'AH AND CONSTITUTION

By Zia H Shah, MD

Constitution for each country is a fairly precise document; nonetheless it requires constant interpretation and reinterpretation. The shari'ah on the other hand is a fairly amorphous concept as it triggers different ideas in different people, depending on their life experiences.

The original text of the USA constitution, with its seven articles, was less than 5000 words, but, there is no one document that could be referred to as shari'ah Law.

The most shining of all the constitutions in the world is the constitution of America, with its more than 200 years of successful history and record of constant evaluation in the USA Supreme court. So, when talking about any constitution we should examine American Constitution, its history and its benefits.

"As the British Constitution is the most subtle organism which has proceeded from the womb and long gestation of progressive history," said William Gladstone, who served as British Prime Minister on four different occasions, between 1868 - 1894, "so the American Constitution is, so far as I can see, the most wonderful work ever struck off at a given time by the brain and purpose of man."

The USA Constitution originally consisted of seven Articles. The first three Articles embody the doctrine of the separation of powers, whereby the federal government is divided into three branches: the legislature, consisting of the bicameral Congress; the executive, consisting of the President; and the judiciary, consisting of the Supreme Court and other federal courts. The fourth and sixth Articles frame the doctrine of federalism, describing the relationship between State and State, and between the several States and the federal government. The fifth Article provides the procedure for amending the Constitution. The seventh Article provides the procedure for ratifying the Constitution.

The Constitution was adopted on September 17, 1787, by the Constitutional Convention in Philadelphia, Pennsylvania, and ratified by conventions in eleven States. It went into effect on March 4, 1789.

Since the Constitution was adopted, it has been amended twenty-seven times. The first ten amendments were ratified by three-fourths of the States on December 15, 1791. These first ten amendments are known as the Bill of Rights

The Qur'an says that whatever benefits humanity is given permanence in the world. It states, "He (Allah) sends down water from the sky, so that valleys flow according to their measure, and the flood bears on its surface swelling foam. And from that which they heat in the fire, seeking to make ornaments or utensils, comes out a foam similar to it. Thus does Allah illustrate truth and falsehood.

Now, as to the foam, it goes away as rubbish, but as to that which benefits men, it stays on the earth. Thus does Allah set forth parables." (Al Qur'an 13:18)

The Constitution of the United States was the first detailed constitution of its kind, and has influenced the constitutions of many other nations and today more than 300 million people are living peacefully with their religious freedoms, in the USA, as a result of it. So, one might say that, the USA constitution has certainly benefitted the world and has gained durability.

Shari'ah means different things to different people. To me it means discharging ones obligations to God and the fellow humans, regardless of color, creed, gender and religion, as so often stressed by the the Promised Messiah(as), Mirza Ghulam Ahmad Qadiani, the Founder of the Ahmadiyya Muslim Community and his successors, referred to as Caliphs (Khulafaa' in Arabic).

There are at least three hundred verses in the Qur'an that inspire mankind towards a compassionate living, a few dozen talking about justice and at least a few from which the Golden rule, "Do unto others like you would like to be done to you," can be derived. Yet zealot Muslims, who crave about introducing shari'ah law, are talking about enforcement of a few deterrent punishments suggested in the Qur'an, for example, cutting of hands of thieves and flogging of adulterers.

The Sultan of Brunei recently announced the gradual introduction of harsh Islamic punishments, such as death by stoning for adulterers, severing of limbs for theft and flogging for a wide range of crimes including abortion and consumption of alcohol. The amendment is the latest step in the wealthy, all-powerful monarch Sultan Hassanal Bolkiah's move towards a conservative Islamic state. .

Perhaps, the Sultan himself could be the first recipient of the cutting of hands, if he is unable to explain by what right, he has misappropriated or robbed the leadership of the country for himself.

The world's first movable type printing technology was invented and developed in China by the Han Chinese printer Bi Sheng between the years 1041 and 1048. In the West, the invention of an improved movable type mechanical printing technology in Europe is credited to the German printer Johannes Gutenberg in 1450. For the West this technology has paved the way of increasing awareness among the masses, increasing individual rights and respect for the due process. The Muslim monarchies in the Ottoman Empire and the Mughal Empire in India and others, refused to benefit from these inventions and prevented mass education, to prevent the struggle of the 'have nots' against the 'haves,' and protect their monarchies. The result has been fairly visible.

It has meant five centuries of the beating and humiliation of the Muslims, militarily, politically, economically, intellectually and emotionally, at the hands of the non-Muslims

How would the Muslims respond to his humiliation and malaise in their societies? The response has been varied.

One successful response was mounted by Ata Turk in Turkey, in the creation of the modern state. Hijab was banned in Turkey for so many years and now the ban has been lifted and yet morality of Islam has survived, decades later, showing us that life or death of nations and countries does not depend on one or a few teachings.

But, many fundamentalist Muslims especially their power hungry Mullahs suggest that only solution to the centuries of malaise is introduction of few laws of shari'ah. They seem to believe that cutting of hands and flogging of a few adulterers is some magical wand that will immediately fix the problems of Muslim world.

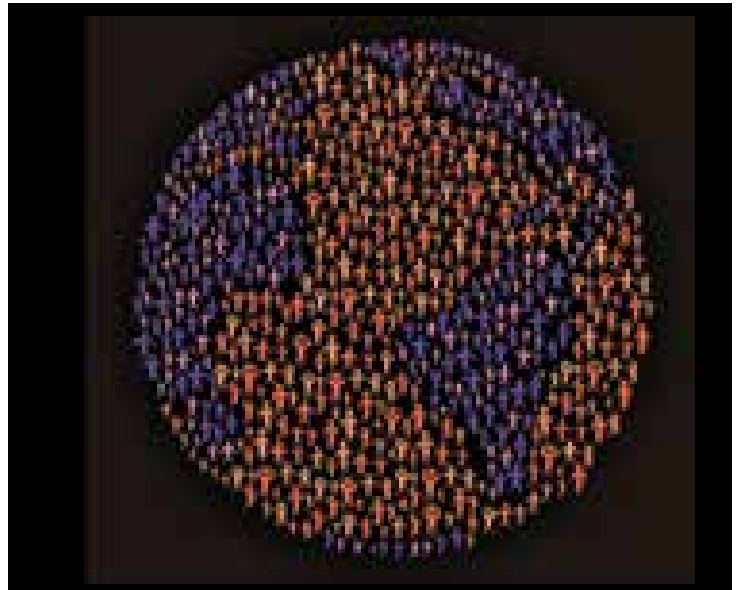
In this information age, it is becoming increasingly apparent that the life of nations depends on their financial, political and judicial systems. The three systems seem to be intertwined and closely linked as can be seen in the working of any modern Western country.

How can cutting of a hand or both or a finger or an arm of a thief versus putting him or her in jail, be the panacea to build modern, successful and sustaining societies?

In modern societies there are hundreds of laws in the judicial system to cover different eventualities and exceptions and these have been dissected, examined and modified through centuries of constant intellectual scrutiny. The Muslim fundamentalists want to throw away all this learning with one stroke and go back to medieval times.

The constitution of USA does not specify any religious beliefs, otherwise the country would be choosing one religion at the expense of others. It starts off by stating its objective, "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America." Then it goes into the seven articles that it comprises of, which are divided into sections.

The constitution of Pakistan starts off with the line, "Whereas sovereignty over the entire Universe belongs to Almighty Allah alone, and the authority to be exercised by the people of Pakistan within the limits prescribed by Him is a sacred trust." As a devout Muslim, I must confess that this line has an emotional appeal for me and most Muslims. But, this would be our knee jerk reaction. Deeper analysis suggests that the very first line of constitution is sowing the seed for a convenient hijacking of the state into a theocracy. This is indeed what happened. The constitution was passed in 1973 and in the very next year it partly changed into a theocracy, by marginalizing the Ahmadiyya Muslim Community, by declaring them non-Muslims for the purpose of law and constitution.



The modern means of travel and interaction have changed our world into a global village and the more we focus on co-existence among people of different faiths, the more we realize that Separation of Mosque-Church and State has become an absolute necessity for our modern times.

The Worldwide Head of the Ahmadiyya Muslim Community, Hadrat Mirza Masroor Ahmad has been stressing this separation in his various keynote addresses, in different countries of the world. On 28 September 2013, he held an audience with more than twenty Indonesian guests representing various media, educational institutions and think-tanks at the Taha Mosque in Singapore. It was covered by a Press release by the community titled, True Khilafat compatible with Democracy.

During the 70 minute question and answer session, he explained the true teachings of Islam and clarified various misconceptions concerning Islam.

In answer to a question about whether Khilafat and democracy are compatible, Hadrat Mirza Masroor Ahmad said:

"Khilafat has no relation to government or politics. When Ahmadiyyat spreads far and wide the Khilafat will play no role in government and will never interfere with matters of State. We have no political ambitions or desires. We believe entirely in a separation of religion and matters of State."

I have collected some of the details about the pressing need of Separation of religion and state in articles, Solomonic wisdom needed to establish Separation of Mosque-Church-Synagogue and State and Our Collection about Separation of Mosque-Church and State.

The wisdom mentioned in the many of the Islamic teachings, when we try to understand their essence, rather than pushing their literal understanding, is not debarred from constitutions of Muslim or for that matter non-Muslim countries, and should certainly find their way into the laws and constitution, but, only through civic process so that everyone can buy into them, regardless of their religious biases.

SHARI'AH AND FAMILY LAWS

By Seher (Bhatti) Chowdhry

The literal meaning of Shari'ah is "a path to life-giving water," the very same path that is meant for all God-fearing people. Shari'ah stems from two sources, one being the Holy Qur'an, while the other being Hadith (sayings and traditions of the Holy Prophet Muhammad - peace be upon him). The law of Shari'ah acts as the Islamic legal system which covers religious law, much like this country's own legal system. However, along with religious law the system also includes a code for one's personal and moral way of life. Contrary to popular belief that the Shari'ah is just a set of commandments to be enacted upon, in which the slightest deviancy could result in harsh punishment, the Shari'ah is really more like a set of exercises endorsing a good moral life. Falling short of a requirement doesn't call for retribution, not if it is done unintentionally and the person repents. Islam sees a moral person as one who is sincere in their efforts to do the right thing in all matters, that is Shari'ah. Let's explore how Shari'ah conducts itself in matters of family.

The Islamic legal system of Shari'ah emphasizes the establishment of a strong family which it encourages through marriage that is legal and valid. The aim of marriage in Islam is to achieve spirituality and devoutness, in that you may discover peace of mind in your spouse and share a companionship of love and tenderness. So says the Holy Qur'an in the following verse:

"And of His Signs is that He has created wives for you from among yourselves that you may find peace of mind in them, and He has put love and tenderness between you. In that, surely, are Signs for a people who reflect" (Chapter 30, verse 22).

The Qur'an also goes into the object of marriage in this verse here:

"They are a garment for you, and you are a garment for them" (Chapter 2, verse 188).

The word 'garment' has been used in regards to the institution of husband and wife, and in this case illustrates that just as a garment is worn to protect, safeguard and cover oneself, in the same way your spouse is a garment for you where they protect you, safeguard your secrets, and adorn you. This is how the Qur'an describes how the relationship of a married couple ought to be, affirming that both man and woman are of equal status in this partnership, and identical in their duties and rights. Prophet Muhammad (sa) had made sure that the rights of women were respected, certainly when he said the following:

"The widow shall not be married until she is consulted and the virgin shall not be married until her consent is obtained" and



"It is narrated by Ibn 'Abbās (may Allāh be pleased with him) that a virgin girl came to the Holy prophet (peace and blessings of Allāh be upon him) and said that her father had married her with someone but she did not like him. The Holy Prophet (peace and blessings of Allāh be upon him) gave her the option to maintain that marriage or reject it" (Abū Dāwūd, Bāb Fil-Bikr Yuzawwijuhā Abūhā).

This refutes much of what we may have heard in the media of incidents and allegations of girls being forced to marry. Since Islam vouches for couples to have marital harmony in order to attain a pious state of spirituality, the notion of a forced marriage would defeat this purpose. Marital bliss is hard to come by when either party is dissatisfied with their 'chosen' life partner.

So as you can see, these sources do not by any means advocate for brutality, or favor one over the other in regards to family matters. It is unfortunate that we see barbarity committed in the name of religion, especially when religion has nothing to do with the way some people have been executing certain principles they claim is under Shari'ah. A woman is entitled to her own property in which no one has the authority to take it away from her without her consent. That includes their dowries, which are promised to them at the time of their wedding. Ideally the bride would receive her dowry there and then, but it is also acceptable for the husband to gift her with this later on. To allow a woman such a gift is a commandment from the Qur'an itself in chapter 4, verse 5:

“And give the women their dowries willingly. But if they, of their own pleasure, remit to you a part thereof, then enjoy it as something pleasant and wholesome.”

The Qur’an also points out as Islamic law that there is absolutely no discrimination against heirs in the matters of inheritance, as is stated in chapter 4, verse 12. All principal heirs, be they husband, wife, parent or children are entitled to the shares of their deceased relative. In this regard the Shari’ah encourages fairness and equality, at the same time keeping with the ties of family rather than alienating certain members in a struggle for power.



Abu Hurairah, may Allah be pleased with him, relates that the Holy Prophet, peace and blessings of Allah be upon him said: “The most perfect of believers in respect of their faith are those whose behavior is most excellent and the best of you are those who behave best towards their wives.”

It is astonishing to note how opposite these teachings are compared to the behavior of those who claim to be acting under what they say Islamic Shari’ah constitutes. Afghanistan is one place that has been witness to many incidents of human suffering. Their women, rather than be treated with the respect that is demanded in the Qur’an and sayings of Prophet Muhammad (sa), are reduced to a mere commodity where they are stripped of their rights, where if they tried to run away from their abusive husband that would constitute as a punishment according to Afghan law. If they honored the law of Shari’ah the procedure would be as follows. If the wife made a request for divorce she can be divorced in two months, for the husband if he wants to request one, he would need to pronounce divorce three times at an interval of a month between each time, after which the divorce is settled with his wife and he begins to “send her away in kindness.” The time period allows for a chance of reconciliation since divorce is frowned upon in Islam, but not forbidden. Prophet Muhammad (sa) has always promoted for a marriage where two people can thrive on each other in wedded bliss, and be able to use that to achieve a spiritual elevation, therefore making it a blessed union. So it is understandable why he doesn’t appreciate the idea of divorce referring to it as “most disliked of all the lawful things in the sight of Allah.”

Going into marriage itself and the responsibilities of both husband and wife, it is apparent that the husband, being the breadwinner, has the priority of providing financially for his wife and family. He is responsible for maintaining the family’s expenses and therefore has the final say in the disposal of affairs.

“Wives have rights corresponding to those which husbands have, in equitable reciprocity, though, in certain situations, men would have the final word and thus enjoy a preference. Allah is Mighty, Wise” (Chapter 2, verse 229).

Husband and wife will always have a shared role in married life, so it is by no means a degradation to the woman that the husband gets the last word in matters concerning the family, especially when she herself is endowed with her own special role, which is making the home. While the husband maintains the income, the wife maintains the home and is responsible for being the main person in bringing up their children. The wife will prepare and maintain the home as a safe and ideal environment for her family. This is where her children will benefit from their mother’s company where she will provide them with their moral training and help mould them into decent human beings. The problem in some areas today is that people will make their task seem worthless and demeaning, when in fact it is the most important job a woman could have. The Holy Qur’an looks upon her as the bearer of society, the one who had to endure so much just so a child could be born into this world, it is no wonder Prophet Muhammad (sa) said that Paradise lies under the feet of one’s mother. This is how the Shari’ah sees women and their role in the family. At the same time however, they’re also expected to live up to their status by being respectful to their husbands and obeying them, giving more reason for them to do the same for their wives. Islam teaches that marriage is a partnership and a team, not a power struggle to see who can dominate the relationship. Of course differences between couples do arise, in which case the Shari’ah advises both parties to pass the time in patience and prayer.

“And seek help with patience and prayer, and this indeed is hard except for the humble in spirit” (Chapter 2, verse 46).

This century has already had to witness the barbarity of the treatment of humans, and that has partly been done in the name of religion. The institution of Shari’ah was not enacted to bully or oppress anyone, and was certainly not imposed on anyone forcibly. At the end of the day our affairs are between us and God, particularly in matters of faith, and since Islamic law is rooted in the acknowledgment that He exists, whatever we do is done so we don’t lose sight of our true goal, which is keeping to the path that leads to Him, our Lord and Master.



SHARI'AH LAW IMPLEMENTATION

By, Dr. Lutf Ur Rehman

The idea of implementation of Shari'ah Law through the legislative process of a country is not new. Muslim majority countries have faced this debate for many decades. The driving force behind such ideas is usually politico-religious parties who find it very hard to come into power through the normal process of elections. This is their attempt to grab power in Muslim majority countries. Over time they have succeeded to varying degrees in this goal. Hadrat Khalifat-ul-Masih the IVth has described the line of argument by the religious elite as follows:

"It is generally understood that if the majority in a country is Muslims, then the Muslims have a right rather, an obligation to enact Shari'ah Law. It is argued that if they believe in the Holy Qur'an and if they believe also that the Holy Qur'an is a comprehensive Book which relates to every area of human activity and directs man how he should conduct himself in every sphere of life, then it is hypocrisy not to act on those claims. They should follow the logical conclusion and enact Shari'ah Law and make it the only law valid for the country."

(Shari'ah: Relationship between Religion & Politics in Islam. A speech delivered by Hadrat Mirza Tahir Ahmad Khalifat-ul-Masih IV at the Inter Religious Consults, Suriname, on 3rd June 1991)

Then he points out various problems that will be encountered if an attempt is made to enact Shari'ah law as the only law of the land.

1) If Muslims are permitted to have Shari'ah Law based upon their Holy Book, then other religions will have the same right in their countries. For example, India will be free to have a law based upon their religious scriptures. Jews can enact law of the Talmud for their countrymen. Christians also will be free to force the population to follow their religious law in their countries. These days when populations of most countries have multiple faiths in them, this can produce chaos and substantial populations can become second rate citizens with only limited rights.

2) Since legislation will be based in the scriptures of a certain religion, people belonging to other faiths will have no say in the formulation of that legislation and will be excluded from the process, even as they will be affected by it. In a secular state the citizens acquire these rights by being a citizen regardless of their beliefs or any other discrimination such as race, color or creed.

3) Even if legislative bodies were to be elected without any religious consideration, the interpretation of the law based in religion will be challenged by the religious scholars and they will have the final say as they are the scholars of the religion.

Therefore even when the religious scholars will not be elected it will become necessary to concede power of legislation to them. This would by definition result in a theocratic state.

4) Over time all religions split and many sub groups appear. Within Islam there are at least 73 different sects whose interpretation of Shari'ah Law differs from each other. The most stark example of this was seen during the 1953 judicial Inquiry report after Anti-Ahmadiyya riots in Pakistan. The 'Ulema (religious scholars) from different sects of Islam could not agree on something as fundamental as the definition of a Muslim. It is common knowledge that religious scholars of various denominations do not agree on even basic regulations such as how to perform salat (prayers), etc. This presents another serious hurdle in implementing a law which is based in religion. The majority sect in a religion will enact law according to their interpretation. But the ruling sect may make up only a small fraction of the total population of the country. Hence a small minority will dictate the legislation for the majority of the people of that country.

5) All religious people believe that they have the perfect truth as revealed by God to their prophet through their Holy Book. They believe that there is no error in that which has been revealed to them. Therefore the question is not finding an acceptable answer to a problem, rather is only a question of implementation. There is no room for debate as we already know the truth. And of course the truth will be as interpreted by the majority faction which may be only a small fraction of the total.

Therefore Hadrat Khalifat-ul-Masih the IVth said, "These and many such issues make the question of imposition of Shari'ah almost impossible."

There was a great debate in Pakistan (teeming with fundamentalist Muslims) in the late 80's and early 90's about imposition of Shari'ah Law in the country. The differences in the interpretation of Shari'ah Law made it impossible to do so, even though 90% of Pakistan's population is Muslim.

The law passed in Pakistan is that they will accept the supremacy of the Qur'an, and they will agree that no legislation will be made contrary to the fundamental Qur'anic teaching. But beyond that they will not adopt any rules and regulations which spring from laws as if they were legislative instructions from God.

Hadrat Khalifat-ul-Masih the IVth completed his thought by saying the following:

"So as such, we must think many, many times, before we can even begin to ponder over the question whether anywhere in the world, the law of religion can be imposed as a legal tender. Personally, I doubt it."

(Shari'ah: Relationship between Religion & Politics in Islam. A speech delivered by Hadrat Mirza Tahir Ahmad Khalifat-ul-Masih IV, at the Inter religious Consults, Suriname, on 3rd June 1991)

Once this historic address was finished, His Holiness was asked for his comments:

Questioner: There is a particular confusion in the Western world about Shari'ah.

Answer: Thank you for this pointed question. But I thought that such questions are outside the realm of this discussion. What we are discussing is whether it is possible to adopt religious law as the law of the country: By any state or any other religion, for that matter.

I believe it's not possible. It's not possible even if you genuinely and fervently so desire, in the name of God, even then it's not possible. We have gone so far away from religion. We have become hypocrites. The whole human society has become hypocrites. There is hypocrisy in politics and society everywhere. And hypocrisy does not permit honesty to flourish. It does not permit the word of God to take root. That is the main problem.

Questioner: I feel that we cannot really apply a law that came for older times to the modern times. Please explain.

Answer: I have studied this question in depth. I believe that religion can be permanent and universal; provided its principles are deep-rooted in the human psyche. The human psyche is unchangeable. And that is exactly what the Holy Qur'an claims. It says it's Deen-ul Fitra: meaning a faith or a law based on human nature. And also La tabdeela lekhalqillah meaning that the creation of God and whatever he has created in you, the dispensation, the dispositions, etc. and the basic propensity to do something or not to do so, all these remain the same.

Consequently, any law which is rooted in human psyche must also be universal and permanent. But, the Holy Qur'an does not stop there. It does not monopolize this truth. It goes on to say that all religions, at their nascent stages and at the stages of their development, were fundamentally the same and they all carried such basic truths related to human nature. This is referred to by the Qur'an as Deen-ul-Qayyema. It says there were three fundamental features in every religious teaching:

First: To mend your relations with God, to be honest and devoted to Him.

Second: To worship God only. In the Qur'anic sense, worship does not mean just to pay lip service, but to try to acquire God's attributes.

Third: To serve mankind and spend in the cause of the needy.

These are the three fundamental branches, according to the Holy Qur'an, which are common to all religions. However, with the passage of the time and through interpolations they were changed later on.

So, what is needed is rectification of the change. Not a new faith. And that is what has been happening with the advent of every prophet. So, it is a highly complex question and also not directly related to the issue we are discussing. I hope this much should suffice. As far as the question of whether Islamic law, or any other religious law, can be imposed perforce. I say no: Because it is against the spirit of religions themselves. The Holy Qur'an says:

﴿يَا أَيُّهَا النَّبِيُّ قُلْ لِّمَنِ الْإِسْلَامُ كُفِّرَ وَلَا يُكْفَرْ﴾

This is a statement of the Holy Qur'an of course; but it is a universal statement which can never be changed. It is an example of how laws can become permanent and universal. It says there is no coercion in faith or in matters of faith. No coercion is possible and no coercion is permitted. So, here is the question: If one religion imposes its law on a society where people of other religions and denominations also live, how will this verse stand against your attempt to coerce? Not only vis-à-vis the people from other religions, but vis-à-vis people from the same religion who are not willing.

So, this is the fundamental question. Therefore the conclusion is that coercion is not a valid instrument in religion. The only authority in Islam, which was genuinely capable of being given the right to coerce, was the founder of Islam, Prophet Muhammad (peace and blessings of Allah be upon him). Why? Because he was a living model of Islam and because when enquired about his character, his holy wife, Hadrat Ayesha, said, he was the living Qur'an.

So, the only person who could be genuinely entrusted with the faith of others, and be permitted to use coercion where he felt that rectification was to be made by force, was the Holy Prophet.

Yet, addressing him, Allah says in the Qur'an,

﴿يَا أَيُّهَا النَّبِيُّ إِنَّا أَرْسَلْنَاكَ بِالْحَقِّ بَشِيرًا وَنَذِيرًا﴾

You are just an admonisher. No more. You are given no authority to coerce. You are not a superintendent of police. Musaiter is exactly the superintendent of police.

So, that is why I say coercion is not possible, nor permitted by God. Moreover, what prevents a Muslim from following the Muslim law? Why should he wait for the whole legislation to be changed?

Most of Islam and most of Christianity and most of Hinduism can be practiced without there being the law of the country. The more so since the general principle accepted by the modern political thinkers is that religion should not be permitted to interfere with politics and politics should not be permitted to interfere with religion.

Interference is what I am talking about, not co operation. Co operation is the second part of the same subject. So, if a society is permitted to live according to their religious aspirations, why should the religious law (Shari'ah Law) concerned be made law of the land?

It is clear from the above explanations of Hadrat Khalifat-ul-Masih the IVth that Shari'ah cannot be implemented through the use of the legislative process.

Shari'ah is a code of conduct, a guideline which is applicable to one's own self. No law or legal binding is required to follow this code of conduct. Every Muslim is free to adopt this code in his personal life. As for others we can only deliver the message but not enforce it.

SHARI'AH AND FREEDOM OF SPEECH AND EXPRESSION

By, Atif Munawar Mir

Introduction

Free speech is a deceptive concept. It implies that speech is unrestricted, but it isn't. In liberal democracies, free speech is not permitted when the speech is deemed to be publicly harmful, i.e. when it threatens security or infringes upon the right(s) of another. What constitutes public harm varies from culture to culture and from religion to religion. Thus, the Islamic view of freedom of speech and expression diverges from liberal democracies. In Islam public harm is defined much more broadly than in liberal democracies and this should come as no shock as Islam is a religion which prescribes rules that are designed to promote the spiritual welfare of its followers whereas liberal democracies allow individuals to seek their goals in society according to their personal preferences.

Despite the broader definition of what constitutes public harm, freedom of speech is held in high regard in an Islamic world view and understandably so because without the principle of free speech, political, cultural and religious dialogues and debates couldn't be possible and naturally such dialogues and debates enrich peaceful coexistence. It is freedom of speech that allows individuals to share their ideas and develop intellectual maturity.

Nature and Etiquettes of Speech

According to the Holy Qur'an, not all speech is considered equal. Speech that establishes social justice and uplifts the spiritual and moral well-being of individuals and society is naturally considered far more valuable than the speech that has ulterior motives and is designed to ridicule and offend.

One of the keys to the progress of the western world is its legal system which is designed to ascertain truth. Without such a commitment to truth, the legal system of western countries would be reduced to a sham judicial system such as the ones that are unfortunately exist in quite a few Muslim countries today. Simply put, without the honest pursuit of truth, justice doesn't stand a chance. Not surprisingly the Holy Qur'an again and again tells Muslims not to hide the truth and declare it openly but kindly and wisely:

"O ye who believe! Fear Allah, and say the right word" (33:71)

"And confound not truth with falsehood nor hide the truth, knowingly." (2:43)

"

...and speak to men kindly..." (2:84)

"Allah likes not the uttering of unseemly speech in public, except on the part of one who is being wronged..." (4:149)

"Those to whom We have given the Book recognize it even as they recognize their sons, but surely some of them conceal the truth knowingly." (2:147)

"But they who repent and amend and openly declare the truth, it is these to whom I turn with forgiveness..." (2:161)

The value of truthful speech cannot be underestimated. People these days have become cynical and even suspect the idea of truth itself. This cynicism is not helping. People should never stop expecting the truth from their politicians and social leaders and hold them accountable when they tell lies, twist or spin the facts. This is how the quality of a democracy improves. When the quality of democracy drops, the power shifts from the common people to those who are wealthy and in positions of power. The point is that the quality of speech in the political and social arena is closely intertwined with the quality of democracy. The political process and social activities need a healthy dose of truth and honesty from time to time to reinvigorate democracy and rescue it from the game of spin, lies and deceit. That is why we must always strive to "openly declare the truth" (2:161).

Speech that Pertains to Belief

The Holy Qur'an also explicitly grants freedom of speech that pertains to belief.

The Holy Qur'an says:

"There should be no compulsion in religion..." (2:257)

"Call unto the way of thy Lord with wisdom and goodly exhortation, and argue with them in a way that is best. Surely, thy Lord knows best who has strayed from His way; and He knows those who are rightly guided." (16:126)

Islam welcomes interfaith dialogues and discussions but of course, it is imperative that such discussions and dialogues be conducted with proper etiquettes.

Those Muslim societies that are trampling the rights of religious minorities today are not practicing the Islamic Shari'ah, rather, they are violating it. In a true Islamic society, places of worship such as churches, synagogues and temples are to be respected and protected.

The Holy Qur'an states:

"Those who have been driven out from their homes unjustly only because they said, 'Our Lord is Allah' — And if Allah did not repel some men by means of others, there would surely have been pulled down cloisters and churches and synagogues and mosques, wherein the name of Allah is oft commemorated. And Allah will surely help one who helps Him. Allah is indeed Powerful, Mighty" (22:41).

In other words, the place where God is worshipped is to be protected whether it is church, mosque or synagogue. The Malaysian government which has unfortunately banned the use of the word Allah by non-Muslims has violated this Quranic verse to its very core. By monopolizing the use of word Allah for Muslims, the Malaysian government has severely curbed the freedom of expression and religion of non-Muslims who want to simply practice their faith. This policy of intolerance is not only against the teachings of Islam but is also detrimental to social harmony.

Offensive, Blasphemous and Harmful Speech

Though the verses of the Holy Qur'an and the practice of the Holy Prophet (sa) clearly suggest that Islam celebrates and advocates truthful speech and advocates specifically that freedom of speech that pertains to belief, it also advises Muslims how to tolerate blasphemous and offensive speech.

The Holy Qur'an says:

"Revile not those whom they call upon beside Allah, lest they, out of spite, revile Allah in their ignorance..."(6:109)

"He has already revealed to you in the Book that, when you hear the signs of Allah being denied and mocked at, sit not with them until they engage in a talk other than that; for in that case you would be like them. Surely, Allah will assemble the hypocrites and disbelievers in Hell, all together" (4: 141).

These verses teach us to respect others' beliefs. It also teaches that disrespect towards the belief of others will make them disrespect your beliefs and this tit for tat behavior can only generate social conflicts and undermine peace.

To be clear, blasphemy is not a punishable offence in Islam. It is not illegal. Once returning from an expedition, a hypocrite used insulting words against the Holy Prophet (sa). The remarks made Muslims very upset and one Muslim even suggested that the culprit should be killed. The Holy Prophet (sa) did not permit anyone to do so. Even his freedom was not taken away. This incident clearly indicates to Muslims how they should respond to such incitements.

The fourth successor of Ahmadiyya Muslim community clarifies that blasphemy is condemned on moral and ethical grounds, no doubt, but no physical punishment is prescribed for blasphemy in Islam despite the commonly held view in the contemporary world.

However, social and religious leaders should try to engage in healthy dialogue and put forth consolidated efforts to discourage blasphemous speech and encourage mutual respect and understanding. That is why the Promised Messiah (as), the founder of Ahmadiyya Community and whose life was based on the teachings of Holy Qur'an (sa) and Sunnah said, almost 100 years ago, that people who "vilify the prophets of other faiths...sow the seed of enmity and discord among mankind."

In 1905, he advocated a treaty of mutual respect between Hindus and Muslims. According to the proposed treaty, both sides would refrain from using abusive language for the founders of both religions. Islam demands of a Muslim society that it should seek and strive to inculcate good sense into its social fabric, by establishing a culture of respect and respectful inquiry.

Speech that defames or offends individuals is also disliked by Islam. The Holy Qur'an says:

"O ye who believe! Let not one people deride another people, who may be better than they, nor let women deride other women, who may be better than they. And defame not your own people, nor call one another by nicknames...."(49:11).

Obviously, decent speech is crucial to social harmony and spiritual growth.

Modesty and Freedom of Speech and Expression

It may be said that the discussion of freedom of speech in Islam is not complete without examining the concept of modesty in Islam. How does modesty impact freedom of speech and expression? In liberal democracies, for example, the way people dress and even what their T-shirt states is protected under freedom of expression. The Holy Qur'an asks Muslim men and women to dress modestly (24:31). What constitutes modesty has been interpreted differently by different Muslim societies but the undercurrent remains the same throughout and this undercurrent as per the fourth successor of Ahmadiyya Muslim community is "the protection and survival of the family system".

The detailed discussion of how modesty relates to freedom of speech and expression is beyond the scope of this article.

Conclusion

The verses of the Holy Qur'an and the life of the Holy Prophet (sa) have provided us with principles that guide us in practicing freedom of speech. The purposes of these principles are to uphold truth, establish justice and strengthen the moral fabric of society and thereby bring about social harmony and spiritual growth. Islam celebrates truthful speech in all spheres of life, invites interreligious dialogue and debates, and tolerates blasphemous and offensive speech. Muslim countries should revisit their legal systems and try to implement tolerance in their society in the light of Quranic injunctions and the life of the Holy Prophet (sa)



NEWS VIEWS, '& REVIEWS



MUSLIM LEADER MAKES HISTORIC ADDRESS AT NEW ZEALAND'S PARLIAMENT
Hazrat Mirza Masroor Ahmad appeals for world peace

The World Head and Fifth Khalifa of the Ahmadiyya Muslim Community, Hazrat Mirza Masroor Ahmad delivered an historic address at New Zealand's National Parliament in Wellington on 4 November 2013.

In front of an audience of Parliamentarians, Ambassadors of State, academics and a range of other guests, the Khalifa advocated the urgent need for justice as a means to develop world peace in the face of increasing tensions and conflicts in various parts of the world. Indeed, His Holiness deemed the establishment of world peace as "the critical need of the time".

Speaking about the disastrous consequences of modern warfare, Hazrat Mirza Masroor Ahmad said: "The means of today's wars include aerial bombardment, poison gas and even chemical weapons and there is also the potential use of the most horrific weapon of all - the nuclear bomb. Consequently, the wars of today are entirely different to those of the past, because today's wars could potentially wipe mankind from the face of the earth."

Hazrat Mirza Masroor Ahmad emphasised that diplomacy should always be the preferred route in seeking to solve international or national disputes.

His Holiness said:

"Certainly, it is a requirement of loving one's nation that if it is ever attacked, it is the duty of a citizen to be ready to give every sacrifice for its defence and to liberate the nation. Nevertheless, if the conflict can be resolved in a cordial or peaceful way through negotiations and diplomacy then one should not needlessly invite death and killings." His Holiness spoke at length on the dangers facing the world in light of the Syria crisis.

Hazrat Mirza Masroor Ahmad said:

"There is no doubt that a conflict between a government and its people can escalate into a much broader international conflict. Already, we find that two blocs amongst the major powers are forming. One bloc supports the Syrian Government, whilst the other is supporting the rebel forces. And so clearly this situation is not merely a grave threat to the Muslim countries but is also a source of extreme danger for the rest of the world."

Continuing to underline the importance of diplomacy, Hazrat Mirza Masroor Ahmad praised the recent efforts of Russian President, Vladimir Putin, in preventing the escalation of the Syrian war.

Hazrat Mirza Masroor Ahmad said:

"Russia's President made efforts to hold back some of the other major powers from attacking Syria... He said that if the requirements of justice were not met and if other nations went to war independently then the United Nations would suffer the same sorry fate as the League of Nations. I believe that he was completely correct in this analysis. I wish only that he had gone one step further and said that the right of veto power held by the five permanent members of the UN Security Council should be ended once and for all so that true justice and equity could prevail amongst all nations."

His Holiness explained the methods by which Islam teaches Muslims to spread peace around the world. The Khalifa said that for true peace to prevail, the highest standards of justice must be established. He said the Quran required for absolute justice and equality at all levels.

After the keynote address, other dignitaries also addressed the event.

Kanwaljit Singh Bakshi, MP, said:

"It is our privilege to have His Holiness Hazrat Mirza Masroor Ahmad here in New Zealand's Parliament and to listen to have his wisdom and to listen to his thoughts."

Dr Rajen Prasad, MP, said:

"It is a pleasure to welcome His Holiness to the New Zealand Parliament. I have always been very impressed at how Ahmadis live their lives as citizens of the nation and practice their message of peace."

Upon the conclusion of the event, Hazrat Mirza Masroor Ahmad met with various dignitaries including the Ambassadors of Iran and Israel. His Holiness was then given a tour of Parliament by Kanwaljit Singh Bakshi MP and thereafter His Holiness led the Zuhr and Asr prayers at the Parliament.



Special Reception Held to Mark Inauguration of Auckland Ahmadiyya Mosque
Hazrat Mirza Masroor Ahmad delivered keynote address during his recent visit to New Zealand

On 2 November 2013 the World Head of the Ahmadiyya Muslim Community and Fifth Khalifa, Hazrat Mirza Masroor Ahmad, delivered the keynote address at a Special Reception held to mark the inauguration of the Baitul Muqet Mosque in Auckland.

The event was attended by more than 50 non-Ahmadi dignitaries and guests, including Judith Collins, Minister of Justice and Minister for Ethnic Affairs and David Rutherford, New Zealand's Chief Human Rights Commissioner.

During his keynote address, Hazrat Mirza Masroor Ahmad spoke about the true purposes of Mosques; Islam's commitment to freedom of religion; he discussed modern forms of slavery and he repeated his concerns that the world was heading towards a devastating global war.

The Khalifa began his address by praising the tolerant attitude of the local people.



Hazrat Mirza Masroor Ahmad said:

"The fact you have come to attend the Mosque Opening, despite holding differences of religion, demonstrates your enlightened minds and broad vision. Indeed, it proves that you desire for New Zealand to be a country where all religions can stand side by side and flourish. And you desire that regardless of a person's religion, he is treated as an equal citizen of the country."

His Holiness added:

"It is a universal truth that religion is a matter of the heart and no-one's heart can be forced to believe in a particular religion. It is for this very reason that the Holy Quran says that there should be no compulsion in matters of religion."

The world leader continued by reassuring the people of New Zealand that true Mosques were centres of peace rather than of terrorism or extremism.

Hazrat Mirza Masroor Ahmad said:

"Fear of Islam has developed because some non-Muslims are not familiar with Islam's true teachings and so their views are strongly influenced by the heavily publicised hate-filled acts of extremist Muslim groups. And so, perhaps they believe that a Mosque built in the area will become a centre of disorder and of a lack of peace. Let me very clearly state that this concept of a Mosque is absolutely wrong."

Speaking about the objectives underpinning the construction of the Auckland Mosque, His Holiness said:

"It has been built so the Ahmadis can gather together to worship God. It has been built so they can join together to devise plans to fulfil the rights of man and to serve humanity. And it has been built so they can supplicate before God praying that they increase in their standards of love and loyalty to their nation."



Hazrat Mirza Masroor Ahmad went on to speak about his concerns for today's world. Speaking about unjust financial burdens being placed on weaker nations, His Holiness said:

"People and weaker nations are being financially enslaved, whereby those in desperate need are forced to take loans with unjust conditions attached, which enchain them in a cycle of despair. The unjust conditions include forcing weaker countries to abide by certain policies or forcing upon them political deals that are not in their long-term interests... Islam entirely condemns and rejects this type of slavery and bondage."

The Khalifa outlined his fears that the world was heading towards a devastating global war.

Hazrat Mirza Masroor Ahmad said:

"Today, there is a huge risk of a world war and this is a direct result of the fact that some countries and governments are not fulfilling the rights of their people, whilst conversely the people are not fulfilling the rights of their leaders and governments. Neither are the major powers making decisions at an international level that keep in view justice, and nor are the smaller countries realising their own responsibilities."

Earlier in the evening a range of dignitaries also addressed the audience.

Judith Collins MP (Minister of Justice & Minister for Ethnic Affairs) said:

"It is a great achievement for your community to build this mosque and also completing the translation of the Holy Quran into Maori – congratulations. Your values of peace and respect are clear in the way you embrace New Zealand's culture and promote social harmony."

David Rutherford (Chief Human Rights Commissioner, New Zealand) said:

"The translation of the Quran into Maori is a great gift to New Zealand. Its translation is a manifestation of your desire for all people to live together. There is no better statement for peace than what your community proclaims – that is 'Love for All, Hatred for None'."

Dr Richard Worth (former Minister of Internal Affairs) said:

"It is a great privilege to be here in such a setting which will prove to be a centerpiece for your community. We support this Mosque and this Community."

Reverend Bruce Keeley (Anglican Priest) said:

"On behalf of the Christian community I offer congratulations on the launch of the Kuranu Tapu and the inauguration of this Mosque. It is truly an auspicious occasion. We must strive for peace and that is what the Ahmadiyya Community is doing."



Upon the conclusion of the event, Hazrat Mirza Masroor Ahmad met personally with non-Ahmadi guests many of whom expressed their appreciation of the keynote address.

Supreme Court to Revisit Public Prayer



US Supreme Court

CBN: Public prayer goes before the U.S. Supreme Court again next Wednesday.

The case involves the small town of Greece, N.Y., which still holds prayer before its public meetings.

Prayer cases have gone before the Supreme Court before, why is this one critical? David Cortman, senior counsel for Alliance Defending Freedom, talked about this and more on Newswatch, Nov. 4.

The Alliance Defending Freedom is supporting the city and said that American governments from federal to local have a long history of constitutionally protected prayer.

In fact, the Justice Department recently stepped into the case, siding with the town of Greece



Head of Ahmadiyya Muslim Community Addresses Historic Reception In Japan
Posted by Zubair Khan

Hazrat Mirza Masroor Ahmad directly conveys Islam's peaceful teachings to people of Japan

The World Head of the Ahmadiyya Muslim Community and Fifth Khalifa, Hazrat Mirza Masroor Ahmad addressed an audience of more than 100 Japanese dignitaries and guests on 9 November 2013 at a Special Reception held at the Mielparque Hotel in Nagoya.

During his address, His Holiness explained Islam's true and peaceful teachings; he condemned all forms of terrorism and extremism; he spoke movingly about the Japanese people and he appealed to Japan's leaders to strive for world peace.

Hazrat Mirza Masroor Ahmad began by describing Islam's true teachings. His Holiness said:

"Islam's true teachings are so complete and beautiful that at every level they guide believers towards an enlightened path lit up with love, affection and brotherhood."

The Khalifa said it was a source of regret that many Muslims had deviated from these true teachings. He said the root cause was the influence of religious scholars who cared only for their own power bases and personal interests. He said that whatever such "so-called scholars" taught had "nothing to do with Islam's pure and noble teachings." His Holiness said that suicide bombings and terrorist attacks were to be absolutely condemned and that the Quran taught that the unlawful killing of one person was "akin to killing all of mankind".



Reflecting on Islam's true teachings, Hazrat Mirza Masroor Ahmad said:

"The Arabic word from which the word 'Islam' derives means to spread peace and security and to spread compassion and love. These teachings form the reality of Islam. Furthermore, Allah commands Muslims to not only adopt these attributes themselves but also to spread peace, love and affection throughout the world."

Hazrat Mirza Masroor Ahmad added:

"You should not think that the teachings of the Ahmadiyya Community are a new form of Islam or a different teaching – rather the reality is that these are the teachings of the Founder of Islam, the Holy Prophet Muhammad (peace and blessings be upon)."

Speaking about the role of Ahmadi Mosques, Hazrat Mirza Masroor Ahmad said:

"Our Mosques are symbols of peace and beacons of light that illuminate their surroundings... Our Mosques are not built to cause any pain to mankind, but on the contrary are built for the sake of protecting and loving all people."

Referring to the past experiences of the Japanese people, Hazrat Mirza Masroor Ahmad said:

"The Japanese nation and its leaders comprise those people who understand the necessity for world peace more than any other people. You are those people who know the full devastating effects of nuclear weapons and the carnage that ensues. You are the people who know better than any other the horrific consequences of modern warfare."

Concluding, Hazrat Mirza Masroor Ahmad outlined the need for all parties to work towards the paramount goal of peace and a fair society. He called on the Japanese nation and its people to play its role towards this end.

Hazrat Mirza Masroor Ahmad said:

"In my capacity as the Head of the Ahmadiyya Muslim Jamaat, I have been constantly warning the people and nations of the world that it is imperative that we spread love and affection in today's world, rather than spreading hatred and igniting grievances amongst one another. The need of the time is for us to step forward with a spirit of reconciliation because if we do not become true ambassadors of peace a great calamity could easily befall the world."

His Holiness added:

"Rather than looking at each through a lens of hatred, we should all look at one another through a lens of love and peace... I pray that instead of spreading malice and hatred, all parties join together and make a collective effort to end all forms of evil, so that our future generations can be saved from that indescribable destruction that would certainly arise if nuclear weapons were ever used again by any country."

During the event various dignitaries also took to the stage including Nagoya Mayor, Kawamura Takashi, Congressman Kudo Shouzo, and Member of City Parliament, Mr Yoshiaki Shouji.

All of the dignitaries took the opportunity to welcome Hazrat Mirza Masroor Ahmad to Japan and praise the Ahmadiyya Muslim Community's commitment to peace and serving humanity. The dignitaries particularly spoke of their appreciation at the relief efforts conducted by the Ahmadiyya Muslim Community in the aftermath of the 2011 Tsunamis.

World Muslim Leader Calls for Self-determination and Freedom of All Nations



Hadrat Mirza Masroor Ahmad delivers the keynote address at 'Africa at 50' event

On 23 November 2013, the Ahmadiyya Muslim Jamaat celebrated the 50th Anniversary of the Independence of Algeria, Burundi, Malawi, Rwanda and Uganda with an event organised by the Ahmadiyya Muslim Community's Pan-African Association.

Dignitaries and guests representing a number of African countries attended the function at Baitul Futuh Mosque in South West London.

The highlight of the event was the keynote address given by the Khalifah and World Head of the Ahmadiyya Muslim Jamaat, Hadrat Mirza Masroor Ahmad. During his address, His Holiness appealed for the true independence of all nations and called for all people to be granted self-determination. His Holiness spoke of Africa's rich potential and said it could only be realised if its people became united and put aside all personal interests. His Holiness also warned against the further spread of terrorism in the region.

The Khalifah began his address by explaining that Islam was against all forms of slavery and oppression.

Hadrat Mirza Masroor Ahmad said:

"True Muslims and Muslim Governments should always promote independence and help others gain freedom – whether it is personal independence or whether it is national independence."

Hadrat Mirza Masroor Ahmad continued:

"Based upon Islam's true teachings, we (Ahmadi Muslims) strive and work towards the achievement of universal independence and self-determination, with the ambition that every single person in the world is able to live autonomously. All people should have fundamental freedoms, such as religious, political, national and civil freedom."

The Khalifah said that even in the modern world slavery continued as powerful nations preyed on the weaknesses of the less powerful.

Hadrat Mirza Masroor Ahmad said:

"The powerful nations take advantage of the weaker nations and dictate their own preferred policies and so in this way they have practically enslaved the developing countries. Sadly, the major powers take benefit and advantage of the natural resources of the poorer nations and do not give what is the due right of the weaker nations in return."

The Khalifah spoke of the importance of national unity and placing national interests ahead of any personal interest. He gave the example of the recent financial crisis in the United States, where despite strong disagreements the Republican and Democrat Parties were able to reach a last minute budget deal for the sake of the country.





Continuing, Hadrat Mirza Masroor Ahmad said:

"We should always make sure that our differences, our personal egos and party interests are set aside for the greater good and rather we must prioritise national progress. When we think and act in this way our differences will not be a means of impairment but will actually play a positive role in our nation's future well-being and development."

Later, Hadrat Mirza Masroor Ahmad spoke of his concerns over the spread of terrorism and extremism in Africa. He said that if extremist elements were able to "spread their networks of hatred" it would cause for all progress and development to cease.

Turning to Africa's future, Hadrat Mirza Masroor Ahmad spoke with hope and expectation.



His Holiness meeting with Uganda High Commissioner, Her Excellency Prof Joyce Kakuramatsi Kikafunda and Ghana's Leader of the Opposition, Hon Nana Akufo-Addo.

His Holiness said:

"Africa, with the Grace of Allah, has the ability to lead and guide the world. But you need to work hard and stay united to realise this potential, so that instead of succumbing to enslavement, you are those who stand at the forefront of the world."

Concluding, Hadrat Mirza Masroor Ahmad said:

"It is my prayer that may Allah enable all African countries – their people and their governments – to understand the true benefits of living together in peace, harmony and unity. It is my prayer that they all realise that prioritising their national interests above their personal interests are the golden keys that unlock the gates to permanent freedom and success."



"The Truth about the Alleged Punishment for Apostasy in Islam"

An Address by Hadrat Khalifat-ul-Masih IV,
Mirza Tahir Ahmad (rh)

BOOK REVIEW

On the occasion of Jalsa Salana UK, July 27, 1986
Reviewed by Lubna R. Malik

"Whoever observes Prayer prayer in the same way as we do, and declares our qibla to be his qibla; one who eats from our dhabiha [offering]; such a one is a Muslim. To protect such a person is a matter of obligation for God and His Messenger. So, [O ye Muslims!] make sure that you do not violate the obligation from God." (Sahih al-Bukhari, Hadith No. 391)

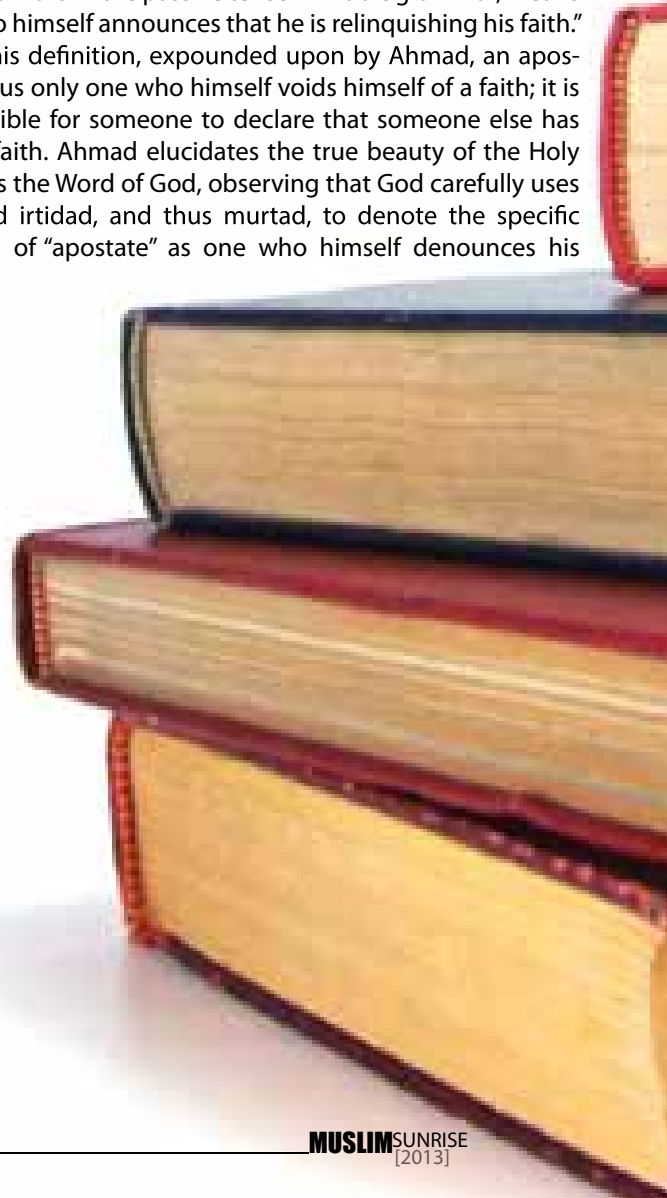
Hadrat Mirza Tahir Ahmad, the fourth khalifah [successor] of the Promised Messiah, Hadrat Mirza Ghulam Ahmad of Qadian (as), delivered an address on July 27, 1986 to discuss the false notions of the punishment for apostasy in Islam and who, if anyone, could be ordained an "apostate" under the Holy Qur'an. This address, given on the occasion of the Annual Convention of the Ahmadiyya Muslim Community in the United Kingdom, or Jalsa Salana, was later compiled into a book, titled "The Truth about the Alleged Punishment for Apostasy in Islam."

Ahmad begins his address by defining who a Muslim is according to the words of the Holy Prophet Muhammad (sa). This definition, included above, makes clear that the founder of Islam believed and taught that a Muslim was any person who observes prayer, prays towards the same qibla and eats halal and tayyab [pure] food. Any person who fit this broad definition was deemed a Muslim and it is the obligation of all other Muslims to protect such a person. Ahmad also discusses two other definitions of a Muslim by the Holy Prophet Muhammad (saw). The first states that a Muslim is any person who by his own word claims to be a Muslim, and the second states that if someone claims to be Muslim then no other person can judge the truth of his claim because he is unable to see into the claimant's heart. Through these three definitions, it is clear that a Muslim is any person who believes himself to be a Muslim and worships the One God. Any alteration of this basic definition is contrary to the teachings of the Holy Prophet Muhammad (saw), who lived the spirit of the Holy Qur'an. Since the time of the Holy Prophet Muhammad (saw), however, the definition of who a Muslim is has been twisted.

Ahmad explains that one such alteration was concocted by the anti-Ahmadiyya ulema in Pakistan. For example, Ahmad discusses that these ulema teach that a true Muslim must not only recite the Islamic oath taught by the Holy Prophet Muhammad (sa)—There is no God but Allah, Muhammad is the Messenger of Allah—but, that a true Muslim must also affirm that Mirza Ghulam Ahmad of Qadian (as) was an impostor and not a prophet. These ulema teach that unless this revised oath can be taken in its entirety, a person cannot be called a Muslim.

Ahmad explains that it is inadmissible that the Islamic oath is of one form by the Holy Prophet Muhammad (sa), and then when a group of ulema decide it is best to modify this oath, it takes on a new, revised form. If one believes that the message of the Holy Prophet Muhammad (sa) is truly universal, then it is impossible that the basic Islamic oath was flawed and required revision by men, who by their own words, could never be prophets.

Ahmad also discusses that the phrase used in the Holy Qur'an to discuss apostasy is "...whoso among you turns back from his religion" (5:55). The Arabic word used to connote "turns back from his religion" is irtidad, or ridda. A person who turns back from his religion in this manner is referred to as a murtad. Thus, the specific Arabic word for apostate is murtad. Murtad, which is a word in the passive tense in Arabic grammar, means "one who himself announces that he is relinquishing his faith." Under this definition, expounded upon by Ahmad, an apostate is thus only one who himself voids himself of a faith; it is not possible for someone to declare that someone else has left the faith. Ahmad elucidates the true beauty of the Holy Qur'an as the Word of God, observing that God carefully uses the word irtidad, and thus murtad, to denote the specific meaning of "apostate" as one who himself denounces his faith.



Ahmad also discusses the notion of one Muslim declaring another to be a kafir, or disbeliever. Ahmad focuses on the verse of the Holy Qur'an,

***"let him who will, believe,
and let him who will, disbelieve"
(18:30).***

Again, if one truly believes the Holy Qur'an to be the Word of the Perfect and Omnipotent God, then when God says let the person who desires to believe, to believe, and give those who choose to disbelieve the freedom to disbelieve, that is what God means. Ahmad makes it clear that if God gives this latitude then there can be no allowance for anyone to assert that a person is or is not a believer, and certainly no option to kill someone for alleged disbelief, when they have been granted such an option.

In this manner of argument, Ahmad discusses verse after verse of the Holy Qur'an and countless sayings of the Holy Prophet Muhammad (sa) that clearly illustrate that Islam allows no compulsion in matters of faith and that there is no room for human judgment about a person's belief or lack thereof—this matter remains in the control of God Almighty alone.

To close with a life example of the Holy Prophet Muhammad (sa):

Once a Bedouin came to the Holy Prophet (sa) and made the initiation to Islam at his hand. While in Medina, the Bedouin became ill and thought he was being punished for accepting Islam. Thus, the Bedouin came to the Holy Prophet (sa) and asked him to annul his initiation as a Muslim. The Holy Prophet (sa) refused to annul the Bedouin's pledge. The Bedouin once again approached the Holy Prophet (sa) to revoke his pledge, and the Holy Prophet (sa) again refused. A third time, the Bedouin asked the Holy Prophet (sa) to revoke his pledge and for a third time the Holy Prophet (sa) refused. After this third refusal, the Bedouin left Medina, upon which the Holy Prophet (sa) stated:



"Medina is like a furnace that cleanses matter. He was a wrong kind of man and he left Islam despite the Holy Prophet's efforts to keep him in Islam. Medina's environment threw him out as the goldsmith's furnace removes the impurities." (Sahih al-Bukhari)

The Holy Prophet (sa) did not threaten or harass this Bedouin for openly begging the Holy Prophet (sa) himself to leave Islam, nor did he hurt him. No one was sent after him when he left Medina to hunt him down and kill him. None of this took place. Instead, the Bedouin was permitted to walk away from the Holy Prophet (sa) himself and the Holy Prophet's (sa) only response was that he was ill-suited to be a Muslim so he left Islam.

Thus, we see in the life of the Holy Prophet (sa) that when a person himself renounced Islam—thus fitting the Quranic definition of "apostate"—the only response by the very person who lived Islam and the Holy Quran was to let him go. In the words of the Holy Prophet (sa) when he was being stoned by the people of Taif,

***"O my Allah, guide these people of mine,
for they know not," so too does Ahmad
pray in the conclusion of his address that
God may guide the misguided Muslims
who harass, stone, mutilate, torture and
kill believers out of sheer misguidance.***



Hadrat Khalifat-ul-Masih IV,
Mirza Tahir Ahmad (rh)



PERSPECTIVE

Prayer Legislation

Winter 2013 Issue

Falahud Din Shams

Americans have been debating about prayer in schools and in public offices for decades. Recently the Town of Greece, NY has pushed the case all the way to the Supreme Court. The Court is to decide if it is acceptable and legal for the Town of Greece to start their sessions with a prayer. As of now, the Court is divided and it's not going to be easy. Ironically, each session of the Supreme Court opens with the usual "God save the United States and this honorable court." Sounds like a prayer the last time I checked.

Supreme Court Justices are already fighting over the issue and everyone agrees that they may not have a solution. The arguments are going to be expanded far beyond what the Town of Greece is pleading. Their basic argument in continuing their practice of prayer is that "we have done it all along since the town was established." Well, that is not going to cut the mustard.

The prayer has three components to it. One is to whom it is being addressed, the second is for whom it is being said and finally what is being asked. I don't think anyone has any problem with the last two components. It is the first one that gives rise to all sorts of commotion.

Let us look at a simple prayer.

"Lord, give us prosperity and health. Our God, we pray that you protect us from our enemies and shower your blessings on us. We ask that You forgive us our sins and make us do righteous acts."

I don't think any Christian, Jew or Muslim has any problem with this prayer. Atheists have a problem with any prayer. I am not sure what they want as a replacement for a prayer, maybe nothing.

Here is where the problem comes in. You add the words at the end of the above prayer, "In the name of Jesus Christ, Your son, we ask that you accept our prayer," Or we add the words, "O Allah, hear our prayer," and all bets are off. Muslims and Jews have a problem with the first one and the Christians and Jews don't want the second one. It is just these additions that make an otherwise simple, good prayer into a lawsuit or we fight over school prayer like children. Other than the ego issues, it is understandable since no one wants to be a hypocrite as that has even deeper connotations in the religious arena.

Our problem has not been the prayer in schools or in public offices. Our problem has to do with the identification of the Deity we are addressing it to. If we can somehow agree upon a common Deity, the prayer problem would disappear and we wouldn't care where it was recited, at a school, city hall or the Supreme Court.

The Holy Qur'an addressed this issue fourteen hundred years ago. It says: "Say, 'O People of the Book! Come to a word equal between us and you — that we worship none but Allah, and that we associate no partner with Him, and that some of us take not others for Lords beside Allah.' But if they turn away, then say, 'Bear witness that we have submitted to God'" (Al-Imran 65).

The argument is simple; let us discuss the definition of the Deity and the rest will just fall in place. This discussion does not belong in the Supreme Court or the legislative bodies but among the clergy. That is what we have tried our best to curtail.

The discussion needs to take place publicly if we agree on the concept of God, Who is the Creator, the Sustainer of the worlds and how do we accept Jesus (as) as His son. Muslims don't have any problem in accepting him as God's son just as Prophet David (as) has also been called the son of God and the Prophet Jacob (as) is even called the firstborn and even named by God as "Israel." The firstborn among the Israelites took the position of the father when he went out of town.

You see according to even the New Testament, there are only two kinds of people on this earth, the sons of God and the sons of Satan. Jesus (as) definitely was on God's side. Jews have a problem with this scenario since Jesus (as) is not acceptable to them. But the Father in Heaven or Allah is also the Lord of Israel and again that is the common ground we need to establish. Unless we come to this common ground, as the Holy Qur'an has suggested, there is no other solution to this debate. We will continue to debate and sue each other and waste our time in superficial arguments just to keep the lawyers employed. Let us pray that the Supreme Court decides with wisdom and comes up with something that keeps the lawyers away for a while. Of course, we can say this prayer privately, unless and until we can agree on a common Deity.

Lord help us!

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